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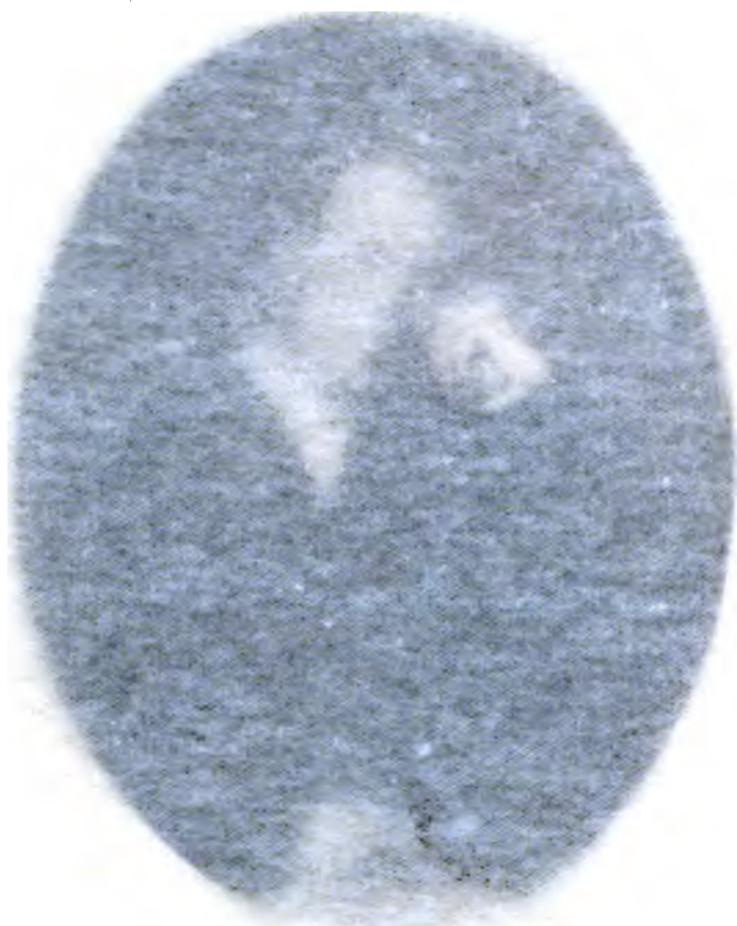






MR. SERJEANT BALLANTINE.





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# SOME EXPERIENCES OF A BARRISTER'S LIFE

BY  
**MR SERJEANT BALLANTINE**



NEW YORK  
**HENRY HOLT AND COMPANY**  
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## PREFATORY NOTE.

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I HAVE felt at a loss to know in what manner I ought to introduce the following pages to the reader, and should have been inclined to launch them without a word of preface, but that it might be thought that I formed an exaggerated estimate of their intrinsic worth, which certainly is not the case.

What I have striven to do, and trust I have succeeded in doing, has been to adhere strictly to facts in the incidents related; and the conclusions expressed are the honest results of such experience as a long professional life, not unmixed with other associations, has enabled me to form.

If my lighter sketches should amuse a leisure hour, my object will have been attained; and if any suggestions upon graver topics should furnish hints lead-

ing to any more useful end, I shall be amply rewarded.

It may be permitted to me to add, that whilst writing in no presumptuous spirit, I have not hesitated, upon some subjects, to express my opinions with perfect frankness and candor.

WM. BALLANTINE.

The TEMPLE:

*March, 1882.*

## CONTENTS.

---

### CHAPTER I.

#### AUTOBIOGRAPHY.

Early days—Temple Church—Gardens—First pantomime—Visit to Wimbledon—Broadstairs—Steam-packets—First impressions of the sea—St. Paul's School—Tyranny—Inhabitants of Serjeants' Inn—The Bolt-in-Tun—Mr. Wigan's school—Mr. Platt—Charles Ewan Law—Pleader's Chambers—Fellow-pupils—Ben Hyam—Call to the bar—Anecdote . . . . .	PAGE 1
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------

### CHAPTER II.

#### LONDON DURING MY PUPILAGE.

Wellington—Walter Scott—Resurrectionists—Burke and Hare—Vivisection—The Duke of Wellington—Hackney coaches—Glass coaches—Cabs—Bishops—Working clergy—Patent Theatres—Actors—English Opera House—Adelphi Theatre—Keeley—Mrs. Yates—Anaesthetics—Courts of Request—Sam Hall—Darrell Stephens—Periodical literature—Dinners . . . . .	14
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----

### CHAPTER III.

#### COMMENCEMENT OF MY PROFESSIONAL LIFE.

5, Inner Temple Lane—My laundress—My clerk—My earnings—My tradesman—Middlesex Sessions—Bodkin—Clarkson—Huddleston—Prendergast—Anecdote—Gambling-houses -- Anecdote—Middlesex magistrates—Grant of licenses—Spirit licenses—Licensing meetings . . . . .	31
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----

## CHAPTER IV.

## MY EARLY PERFORMANCES.

Conquest — Gomersal — Mrs. Conquest — Father and son — Mr. Const — Phillipps — Clarkson — Accident — Gambling-houses — Hazard — Roulette — Cheating — Running Rein — Crockford's Anecdotes — Jem Bland — Anecdote — Piccadilly Saloon — Sam Chifney — Mirfin — Duel	PAGE 40
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------

## CHAPTER V.

## CHOICE OF CIRCUIT.

Home Circuit — Sheriff's chaplain — Lodgings — Opening the commission — Grand Jury — Criminal Court — M. Berryer — Civil Court — Circuit mess — Juries — Mr. Arnold — John Locke, M. P. — Sothern — Judges' dinner — Spankie — Andrews — Turton — Broderic — Theasiger — Platt — References — Samuel Warren — Lord Cairns — Alfred Theasiger — The Denman family — Lady Croft — Sir Thomas Croft — Lord Denman — Trial at Maidstone — Chambers — Appointed revising barrister	51
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----

## CHAPTER VI.

## THE THAMES POLICE COURT.

Thames police office — My father — Captain Richbell — Mr. Broderip — Awkward mistake — Charles Mathews — Mr. Const — Dunn — Sir Frederick Roe — Laing — Nervousness — Central Court — City judges' dinner — The Ordinary — The Recorder — Arabin — Alley — Adolphus — London Coffee House — Duel — Tenterden — Scarlett — Charles Phillippe — Brougham — Duel — Anecdote — Insolvent Court appointment	63
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----

## CHAPTER VII.

## THE TRIAL OF COURVOISIER.

Murder of Lord William Russell — Appearance of Central Court — Royal duke — Tindal — Baron Parke — New evidence — Interview between Phillippe and Courvoisier — Phillippe's communication to Baron Parke — Conduct of Phillippe — His speech — Improper expressions — Duty of counsel — Present crime — Punishment of death — "Age" — "Satirist"	75
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----

## CHAPTER VIII.

## THE CENTRAL COURT.

Clarkson—Bodkin—Wilkins—Parry—Alderman Harmer—The Rope-walk—Offenses against women—Unlucky hairdresser— Origin of Central Court—Lord Mayor—Sheriffs—Aldermen— Sir Peter Laurie—Joseph Adie—The Brothers Forester— Calcraft . . . . .	PAGE 83
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------

## CHAPTER IX.

## FRIENDS.

Jerningham—Huddleston—Hubert Jerningham—Dubois—Broth- ers Smith, authors of "Rejected Addresses"—Author of "Ingoldsby Legends"—Theodore Hook—Mr. Hill—Mrs. and Miss Dubois—Hook's joke about himself—Thrown into prison —Attacks upon Queen Caroline—Gilbert Gurney—Scene at the Old Bailey—Poole—Hill's inquisitiveness—The Clarence Club—The Dilkes—The author of "Pleasures of Memory"— Lord Justice James—Frank Stone—Marcus Stone—Two Indian officers—Death of Captain Barberie—Bransby Cooper —Sir Astley Cooper—Death of Bransby Cooper—Wakley— Action against County Fire Office—Alleged suicide of Sadleir —Inquest—Verdict—Anecdote of Patch, the murderer— Daring Conspiracy—Action against the "Times"—Gambling loss . . . . .	91
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----

## CHAPTER X.

## SUIT IN THE HOUSE OF LORDS.

Lords present—Bill to annul the marriage between Esther Field and Samuel Brown—Counsel engaged—Case opened by Sir Fitzroy Kelly—My cross-examination—Rolt sums up—House adjourns—Following day the Earl of Devon withdraws the bill—Extract from the "Times"—Dr. Locock—Lord Lynd- hurst introduces himself to me—Cross-examination—Extensive existence of false evidence—Unskillful cross-examination— Danger of—Proper principle of—A remark of mine in a case —Tests of truth—Equity courts—Remark of a judge to me— Embarrassment of witness not proof of falsehood—Curious robbery—Acquittal of prisoner—Gross fraud exposed—Rail- way accidents—Evidence—Remark of Lord Coleridge—Anec- dote of Lord Hatherley—Mr. Rolt—Sir John Bayley—Parties at Mr. Lumley's—Two ex-Chancellors—Delafield . . . . .	102
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----

## CHAPTER XI.

## FAMOUS AUTHORS.

	PAGE
Old taverns—Shakespeare Club—First meet Thackeray—His works—Colonel Newcome—Becky Sharpe—Colonel Crawley—Archdeckne—John Forster—First meeting with Charles Dickens—Miss Dickens—Bardell <i>v.</i> Pickwick—Toole—Dinner at Mr. Cartwright's—Meeting with Charles Dickens—His death—Mr. Justice Talfourd—His parties—Frank Talfourd—Macready—Bulwer—Sheridan Knowles—Albert Smith—Death of Talfourd—Lady Talfourd—Norton <i>v.</i> Lord Melbourne—Mrs. Norton's character cleared—Improper statements by Sir John Campbell—Mr. Norton as a magistrate .	113

## CHAPTER XII.

## LORD LYNDHURST.

Lord Lyndhurst—His birth—Defense of Dr. Watson—Lord Castlereagh's opinion of the defense—Becomes M.P. and Solicitor-General—My recollection of him as Chief Baron—The case of Small <i>v.</i> Attwood—Conduct as a judge—Sir Charles Wetherall—Slovenliness of Sir Charles—Anecdote—Charles Austin—Professional practice—Marriage—Retirement—Becomes a county magistrate—Sir Fitzroy Kelly—Information against the London docks—Ipswich election petition—Painful incident—Appointment as Chief Baron—Case of Margaret Waters—Case of Tawell—Dr. Letheby—Mr. Justice James Allan Park—Anecdote—Old Midland Circuit—Practical joke—Serjeants—Goulburn's apology—Answer of Park—Copley and Denman . . . . .	123
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----

## CHAPTER XIII.

## MR. BARON PARKE.

Deportment of Mr. Baron Parke—Accused of over-subtlety—His love of the profession—Amusing squib of Mr. Justice Hayes—Anecdote—Fondness for fresh air—Parke created Lord Wensleydale—Two murder cases in which I defend the prisoners—One at Chelmsford, the other at Lewes—First case a woman charged with murdering her husband—I am urged to pursue a course against my judgment—Refuse to do so—My reasons—Trial before Baron Parke—Acquittal—Probable grounds—Conduct of judge—Professor Taylor—	
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

	PAGE
Subsequent career of the prisoner—A murder at Hastings—Offer of reward—Trial—Effect of the offer of reward—Unnecessary evidence—Dramatic scene—Acquittal of the prisoner . . . . .	133

## CHAPTER XIV.

## IMPRESSIONS OF SWITZERLAND AND HOMBURG.

A long vacation—Trip to Switzerland—Albert Smith—Mont Blanc—“Mr. Ledbury’s Tour”—Suicide at the Point Neuf, in Paris—Basle—Trois Rois hotel—First view of the Rhine—Balcony of hotel—Anthony Trollope—Outside of the Trois Rois—Carriages—Railway—Geneva—Albert and Arthur Smith—Geneva—Fishing on the lake—Chamouni—Exhibition at the Egyptian Hall—Diligence arrives at Dijon—Homburg—Early morning at the springs—The Duke of Cambridge—The blind prince—His parties—Introduction to the Prince of Wales—The evening at Homburg—Scenes on the terrace—Morning drives—Gambling saloons—Their abolition—Stock Exchange—Chances of the table—Systems—Ruined gamblers—Ladies—Mr. Goldsmith—Departing visitors—Anecdotes of hotel proprietors—Ruse to get possession of a seat—Anecdote of two ladies—Homburg at present—Monaco—Interference of foreigners . . . . .	142
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----

## CHAPTER XV.

## LORD CAMPBELL.

Retirement of Lord Denman—Appointment of Lord Campbell—Importance of a judge’s demeanor—Lord Campbell obtains a peerage for his wife—Becomes Chancellor of Ireland, with a peerage to himself—Short tenure of office—Becomes Chief Justice, and ultimately Lord Chancellor—His “Lives”—Miss Strickland—Anecdote told by Phillips—Lord Campbell’s version—His character as an advocate—Trial of Lord de Ros—Details—Campbell’s speech— <i>Sauter le coup</i> —Sir William Ingelby’s attempt to explain the trick—Mr. Lawrence—Sir William Follett—His good nature—Mr. Wightman . . . . .	155
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----

## CHAPTER XVI.

## CAMPBELL’S IRRITABILITY.

Great knowledge and industry of Campbell—Grotesque exhibition of impatience—The trial of Palmer—Sir Alexander Cockburn
------------------------------------------------------------------------------------------------------------------------

	PAGE
—Mr. Serjeant Shee—Theory of the prosecution—Professor Taylor—Sir Benjamin Brodie's evidence—Good sense of Campbell—Palmer's probable object—Palmer is convicted—His note to his attorney—Mr. Serjeant Shee—Opinion of Campbell's politeness—History repeats itself—Analogy between Palmer and Thurtell—Murder of Weare by Thurtell—Supper afterwards—Probert and Hunt turned king's evidence—Fate of Probert and Hunt—Causes before Lord Campbell—Railway accidents—Difficulty in ascertaining injury—Mr. Glover's case—Unfavorable impression created by his evidence—Verdict—Mr. Glover's death—Another railway case—Dishonest practitioners—British Bank trial—Verdict—Sentences—The last time I saw Lord Campbell—His death—Sir Richard Bethell appointed in his place—I receive from him a patent of precedence . . . . .	164

## CHAPTER XVII.

### I BECOME A SERJEANT.

I become a Serjeant—Former importance of the office—Queen's Ancient Serjeant—First Queen's Counsel—A grievance—Mr. Serjeant Manning treasurer—Opinion of the judges by Lord Campbell—Coleridge—Erle—Maule—Fonblanque's attack on Maule—Serjeant Storks—Gazelee appointed treasurer—Serjeant Tozer—I am elected treasurer—Go to India—Am re-elected—Dissolution of the Inn—Testimonial to myself . . .	173
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----

## CHAPTER XVIII.

### THE GARRICK CLUB.

Garrick Club—Character of its members—Hook—Barham—The authors of the "Rejected Addresses"—Dickens—Thackeray—David Roberts—Stansfield—Charles Kemble—Charles Kean in "Louis XI."—"The Corsican Brothers"—Mephistopheles—Robert Keeley—Leigh Murray—Albert and Arthur Smith—Serjeant Talfourd—Dowling—Morgan O'Connell—Appalling incident at a fire—Shirley Brooks—Serjeant Parry—Douglas Jerrold—Hamblet—New house—Walter Lacey—Palgrave Simpson—Tom Holmes—Frank Fladgate—Le Chevalier Brasseur—The Prince of Wales a member of the club . . .	184
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----

## CHAPTER XIX.

## INEQUALITY OF SENTENCES.

	PAGE
Inequality of sentences in courts of law—Sir Frederick Pollock— His residence in Serjeants' Inn—His career at Cambridge, and high distinction—Innocent vanity—Demeanor upon the bench—Manning's case—Interesting case before Pollock—In- different joke—Anecdote of Cyrus Jay—Accident upon Great Eastern Railway—Trial before the Chief Baron—Evidence of engineers—Doubtful evidence admitted—Verdict for plaintiff —Second action before Sir Alexander Cockburn—Evidence in former case contradicted—Action before Chief Baron Kelly —Dr. Sumner, Bishop of Winchester—His hospitality—His fondness for birds and flowers—David Pollock—General Pollock—Anecdote—Boulogne-sur-Mer—An old Irish officer —Alderman Kennedy—Charles Dickens—Albert and Arthur Smith—Dr. Elliotson—Passage from Boulogne—Mrs. Milner Gibson's parties—Mr. Justice Crowder . . . . .	193

## CHAPTER XX.

## MURDER OF MR. DRUMMOND.

Murder of Mr. Drummond—Sir Nicholas Tindal—Trial—Defense upon the ground of insanity—Acquittal—Indignation of the public—Proceeding in the House of Lords—Dicta of the judges—Extensive existence of insanity—Anecdote of a lunatic—What principle ought to apply in legal questions— Case tried before Baron Alderson—Case of Mrs. Ramsbottom —Her trial—Jury discharged—Her death—Discovery after- wards—The case of Mrs. Thwaites—Her extraordinary delusions—Trial before Lord Penzance—Verdict—Reflections thereon—The Probate Court—Creswell the first president— Lord Penzance—Sir James Hannen . . . . .	205
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----

## CHAPTER XXI.

## TRIAL OF BARBER AND FLETCHER.

The trial of Barber and Fletcher—Baron Gurney the judge—His severity—Attack upon him by Wilkins—Gurney's original views—The Christian names of his children—Russell Gurney, Recorder of London—Second trial of Barber—Mr. Justice John Williams—Mr. Erle—His conduct of the prosecution	
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

	PAGE
—Unjust verdict—Sentence—Pardon—Anecdotes of Williams—Character of Erle—Last cause tried by Erle—His benevolence—Petersham election committee—Distinguished members of the Western Circuit—Sir John Karslake . . . . .	218

## CHAPTER XXII.

### CAMPDEN HOUSE FIRE.

Campden House—Mr. and Mrs. Woolley—Fire—House destroyed—Insured to the amount of 30,000 <i>l.</i> —Action against insurance companies tried at Croydon assizes—Amusing incident—Lodgings at Croydon—Madame Titiens—Objection to her by my landlady—Signor Giuglini—Star and Garter—Balfe—Miss Balfe—Mowbray Morris—Delane—Meeting at Dr. Quain's—Charles Lever—The Arditis . . . . .	227
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----

## CHAPTER XXIII.

### EVANS'S.

Evans's—Paddy Green—Herr von Joel—Habitués at Evans's—Thackeray—Dickens—Albert Smith—Shirley Brooks—Douglas Jerrold—Robertson—Mr. Barry—Prince Maximilian—Mr. Boulby—Planché—Charles Mathews—Miss Priscilla Horton—History of an acrobat and scene with a gymnast—Mr. Sterling—Character of chorus girls—An old pantaloon—Incident behind the scenes—Drive from Greenwich—“Punch” . . . . .	234
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----

## CHAPTER XXIV.

### ILLUSTRIOUS VISITORS.

Unexpected visitors—Louis Napoleon—Count D'Orsay—Object of their visit—Louis Napoleon swindled—Obstinacy of the Prince—My opinion of him—Prosecution—Failure—Courtesy of the Count—Interview with the Prince at the races—Baron Alderson—His humanity—Mr. Humphreys, Q.C.—His sufferings and death—Lawrence—Sir John Jervis—Maule—Sir John Paul— <i>Bon mot</i> —Lady Blessington—Lord Beaconsfield—Bulwer—Death of Lord Beaconsfield—Dr. Quain—Montagu Corry . . . . .	246
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----

## CHAPTER XXV.

## LORD LYTTON.

	PAGE
Introduction to Lord Lytton—Alleged theft of papers—His fondness for animals—Deafness—Trial of accused—Acquittal—Intercourse with Lord Lytton—His character—His works—Their continued popularity—Consulted by him—Tendency to the supernatural—“Guy Mannering”—Mr. Const—Anecdote told of Sir Astley Cooper—Lytton interested in criminal matters—Foundation of his novels—Anecdote of Fauntleroy—Lord Lytton fond of whist—His superstition—Last time I met him—Macaulay—Portland Club—Different members—Crimean War—War correspondents—Losses—Colonel Goodlake—Mr. Greville . . . . .	254

## CHAPTER XXVI.

## CURIOUS TRIAL FOR MURDER.

Miss Hills—Living at a boarding-house—Becomes acquainted with a medical man and his wife—Intimacy—Leaves the boarding-house—Married—Goes to live at Richmond—Becomes ill—Attended by two doctors—Becomes worse—Physician sent for—Dies on May 3, having previously made a will in husband's favor—Arrest of husband—Letter from accused—Conviction—Mistake of Dr. Taylor—Probable origin—Death of a Mr. G—. Curious statement . . . . .	269
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----

## CHAPTER XXVII.

## THE PELLIZZONI TRIAL.

Disturbance in a public-house—Harrington stabbed—Afterwards died—Tried at the Central Court—Mr. Baron Martin the judge—Conviction—Interference on his behalf—Confession of Mogni—His trial—Pellizzoni tried for wounding Rebbeck—Conduct of the police—I receive a visit from the Marquis D'Azeglio—Another case of police evidence and trial for perjury . . . . .	281
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----

## CHAPTER XXVIII.

## STATE OF REGENT STREET.

Condition of Regent Street—Charges by the police—Mr. Knox Removal of the division—I am taken into custody—
------------------------------------------------------------------------------------------------------------

Alexander Cockburn—Complain to the Commissioner—Answer—Pretended witness—Prosecution of a constable—High-handed proceedings—Imprudent publicity of police proceedings—Kingston Hill murder—Coroners' courts—Thames Police Court—Hodgson and Abbott, the Brewers—Irish and Jews—Aaron Smith—Change of court and practice—My father and the Home Office—Position of magistrates . . . .	291	PAGE
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----	------

## CHAPTER XXIX.

### ELECTION COMMITTEES.

Parliamentary practice—Coppock—Cockburn—Harrison and Joy—Anecdote—Serjeant Merewether—Henry Merewether, Q.C.—Hope Scott—Beckett—Denison—Rodwell—Election committees—Prosecution for bribery—The ballot—Its insufficiency—Mr. Justice Fitzjames Stephen—Waddington—Locke—Tipperary petition—Anecdote—Archbishop of Cashel—Extensive bribery—Anecdote—Bristol petition—Witness successfully cross-examined—Trial at Bristol Sessions—Serjeant Kinglake—Mr. Collins—Montagu Williams—Ribton—Obstinate juryman—Acquittal of accused . . . . .	301
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----

## CHAPTER XXX.

### ELECTION JUDGES.

Election judges—Martin—Lush—Willes—Blackburn—Mellor—Grove—Bradford—Petition against Forster—Successful termination—Letter from Forster to myself—Westminster—Petitions—Decision for Smith—Lush—Branwell—Blackburn—Hastings petition—Mr. and Mrs. Brassey—Wallingford—Petition against Vickers—Sir Charles Dilke—Interest taken by the ladies—Awkward position of the judge—Scruples of a brewer—Decision in favor of the seat—Petersham petition—Tamworth petition—Justice Willes—His extraordinary conduct—Attack upon me—His denial of intention—Letter from Mr. Peel—His statement—My opinion of Mr. Justice Willes	312
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----

## CHAPTER XXXI.

### THE UNION CLUB.

The Union Club—Its date—The first meeting—Mr. Raggett, manager—Numerous peers members—Committee of five, including Sir Robert Peel—Plot of ground purchased—House	
-------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

	PAGE
built—Became member in 1852—Sir John Jervis—Lord Justice Bruce—Montague Chambers—Selwyn—Justice Byles—Messrs. Goslings—Mr. Veasey—Anecdote of my mother—Sir Frederick Slade—Sir Henry Webb—Sir Thomas Henry—Sir John Bayley—Mr. Justice Maule—Death of Henry—Anecdote of the Bishop of Bath and Wells—Anecdote of a Derby Day—Anecdote of two barristers—Position of one of them .	324

## CHAPTER XXXII.

## MADAME RACHEL.

Madame Rachel—Her Visits to Drury Lane Theatre—Her shop in Bond Street—Her extortion—The Beauty—Imposition upon her—Causing her arrest—Interference of friends—Prosecution of Madame Rachel—Use of a nobleman's name—Imprisonment of Madame Rachel—Afterwards took to her old courses—Again Imprisoned—Death—Murder of De la Rue—Curious conduct of the murderer—Mysterious letter—Trial—Interview with Hocker—Found guilty—Case of Franz Müller—Lefroy—Trial at Guildhall—Morrison <i>v.</i> Belcher—“Zadkiel's Almanack”—Pretenses of Morrison—Dr. Robinson—Prophecies—Cockburn—Sir Edward Bulwer Lytton—Admiral Belcher—Mr. Slade—Middlesex magistrates—Mr. Edlin . . . . .	332
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----

## CHAPTER XXXIII.

## RISK ALLAH.—LANDSEER.—COCKBURN.

Risk Allah Bey—Landseer—Cockburn—Thackeray's allusion to foreigners—Curious story of Risk Allah—His marriage—The death of his ward—His trial for murder at Brussels, and also for fraud and passing forged notes—Action against “Daily Telegraph”—Damages—Brings another action for the loss of 3,000 <i>l.</i> in specie—Extraordinary story—Defendants an insurance company—I was counsel for them—Jury discharged—Action never renewed—Serjeants' Inn, Fleet Street—Residents there—Sir Thomas Wilde—Case of Small and Atwood—Anecdote—Unpopular sentences—Meeting at Wiesbaden—Lord Truro—Sir Frederick Pollock—Matthew Davenport Hill—Martin appointed judge . . . . .	341
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----

## CHAPTER XXXIV.

## MR. LANDSEER.

Club at the Piazza—Mr. Landseer—Meeting with Sir Edwin—His works—Am his counsel—Action by a tailor for the pr	Digitized by Google
---------------------------------------------------------------------------------------------------------------	---------------------

PAGE
of a coat—Sir Edwin tries it on in court—His demeanor—A tailor on the jury—Amusing tableau; great laughter—William Harrison Ainsworth—Pleasant party—Jack Sheppard—Dudley Costello—Ainsworth's truthful prophecy—Lola Montez—Her Marriage—Charge of bigamy—Bean firing at the Queen—Her self-possession—Defend Connor and Good also—Captain Charitie—Mr. Healy—Am counsel for him—A soldier flogged to death—Flogging proper for certain culprits 350

### CHAPTER XXXV.

#### CHIEF JUSTICES.

Chief Justices Tenterden, Denman, Campbell, Cockburn—Curious mistake of Campbell—Anecdote of Tenterden—Baron Richards—Character of Cockburn—As an advocate—Great powers—Often opposed to Thesiger—Became member for Southampton—Great speech in Parliament—His promotion—Not equal as a judge—Too hasty—Humane—Knowledge of modern languages—Death of Phinn—Visit shortly before Cockburn's death—Mr. Walsh—Schoolfellow with me at St. Paul's—Lunatic asylums—Description by Charles Reade—Insanity . . . . . 350
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

### CHAPTER XXXVI.

#### EXTRAORDINARY WILL CASE.

Extraordinary will case—Brought before numerous tribunals—Pretense of finding codicils in different places—Great improbability—Question of handwriting—Codicils all disputed—Serjeant Hayes with myself for defense—His humorous speech—Summing up of Cockburn—Action upon three promissory notes—Somewhat similar in their circumstances—Tried before Baron Huddleston—Jury discharged—Afterwards before Lord Chief Justice Coleridge—Verdict for defendants—Doubts as to evidence of handwriting . . . . . 368
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

### CHAPTER XXXVII.

#### AN APOLOGY TO MY READERS.

An apology—Entry in diary—First meeting with Charles Dickens—Sir Charles Forbes—My brother—Another entry—Engagement to be married—Dr. Croly—Mr. Stutfield—Mrs. Croly—Her opinion of her husband—Alderman Gibbs—
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

	PAGE
Planché—Madame Vestris—Tom Duncombe—Wakley—Serjeant Spankie— <i>Bon Mot</i> —Anecdote of Duncombe—Horace Claggett—Miss Day—Regimental joke—Planché's extensive knowledge of the theatre—Mr. and Mrs. Frank Matthews	378

## CHAPTER XXXVIII.

## THE MAYOR OF CORK.

The Mayor of Cork—Attempt to murder the Duke of Edinburgh—Daniel O'Sullivan—His conduct—Approval of the attempt—Disgust of society—Action of the House of Commons—I am appointed counsel to the House—Resignation of the Mayor—Meeting with two old friends—The Hon. James Stuart Wortley and Paddy Green—Wortley—Character and career—Horace Pitt—Countess of Wicklow—Claim of peerage for an alleged son—I am retained—Return retainer—Case taken to House of Lords—Fraud exposed—Horace Pitt became Lord Rivers—Death of his wife—Subsequent marriage—His belief in the Claimant—His death . . . . .	387
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----

## CHAPTER XXXIX.

## VIVISECTION.

Occasional recklessness—Opinions of Sir William Fergusson—Also of Mr. Richard Holt Hutton—Articles in the "Nineteenth Century" review—Sir James Paget—Professor Owen—Dr. Samuel Wilks—Their opinions—Difference between Fergusson and Paget—Difficulty of fair discussion upon the subject—Calculated to induce speculative operations—Value of evidence—Recent case—Operation upon cats and monkeys—Conduct of students . . . . .	394
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----

## CHAPTER XL.

## THE TICHBORNE BARONETCY.

Marvelous story—Enormous amount expended in defense—Chief Justice Bovill—Cockburn—Kenealy—Sketch of Sir Roger's early days—Goes to Stonyhurst—Afterwards to Paris—Then into the Carabiniers—Quitted England—Went to Rio de Janeiro—Embarked for England on board the "Bella"—Narrative of Claimant—Saved from the wreck—And landed in Australia—Lives in poverty—Marries—In business	
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

as a butcher in Wagga Wagga—Death of Sir Roger's father—Advertisement for lost son—His arrival in London—Visit to Wapping—Retainer of Mr. Holmes—Recognition by Lady Tichborne—My impression of his appearance—I had an interview with Lady Tichborne and accepted retainer for the Claimant . . . . .	401
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----

## CHAPTER XLI.

### [ COMMENCEMENT OF PROCEEDINGS IN THE TICHBORNE CASE.

Affidavits filed—Tattoo marks not mentioned—Claimant cross-examined—Employment of Chancery barrister—No question put about tattoo marks—Absurd excuse if fact was known—Improbability of solicitor or counsel for Claimant going on with the case if such a fact had been proved—Commencement of suit in Common Pleas—Counsel engaged—Jury—Case might have been stopped earlier than it was—Claimant called—Cross-examination—Address of Solicitor-General—Witnesses—I submit to a non-suit—Closing scene—Comittal of Claimant—Doubtful propriety of this course . . . . .	408
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----

## CHAPTER XLII.

### INDICTMENT OF CLAIMANT.

Before Cockburn, Mellor, and Lush—Hawkins and Parry for the prosecution—Dr. Kenealy—“The Englishman”—Kenealy's calumnies—Prejudicial effect upon Claimant—Imprudent conduct of case—Proper mode of conducting it—Important effect of Lady Tichborne's recognition—Paris witnesses—Kenealy's imprudence—Mr. MacMahon—Retirement of Mellor—Death of Lush . . . . .	417
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----

## CHAPTER XLIII.

### LORD WESTBURY.

Kindness to myself—Vote of censure upon him—His resignation—Verdict of manslaughter against his brother-in-law—Defended by Cockburn—Kind behavior of Bethell—Immediate acquittal—Middle Temple library—Trial of Hopley—Shocking brutality—Conviction—His brother—Instance of Cockburn's sense of justice—Mr. Scherer—Laboriousness of Cockburn—Blackburn—A great Judge—Fracas with High Sheriff—High Sheriff fined . . . . .	423
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----

## CHAPTER XLIV.

## CRIMINAL COURTS AND CRIMINAL JUDGES.

	PAGE
Baron de Vidil—Assault upon his son—Trial before Blackburn—Conviction—Trial of Karl Frantz—Acquittal—Amalgamation of the Common and Equity law—Equity barristers in criminal courts—Difference between civil and criminal jurisdictions—Want of Appeal Court—Reference to poisoning case—Certain axioms—Criminal Code Commission—Theory of a criminal court—System of transportation—Unfortunate position of convicts under present system . . . . .	432

## CHAPTER XLV.

## THE TRIAL OF THE GAEKWAR OF BARODA.

I am retained—Retrospect necessary—Voyage to India—Great changes—P. and O. Company—Incidents of a wreck—Captain Mackeson—Sir Richard Garth—Journey to Brindisi—Voyage to Alexandria—Train across the desert—The “Australia”—Captain Murray—Brides—Accident to a dog—The Southern Cross—Curious appearance—Aden—Arrival at Bombay—Kind reception—Messrs. Jefferson and Payne—Bycullah Club—Parsee cemetery—Chisholm Anstey . . . . .	440
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----

## CHAPTER XLVI.

## TRIAL OF THE GAEKWAR.

Trial of the Gaekwar—I leave Bombay for Baroda—Its extent—Origin of the name Gaekwar—History of country and monarch—Journey by train—Kind reception upon the road and upon arrival—Our residence—Mrs. Scobell—Flower garden—Excessive heat—Monkeys—Parrots—Cobras—Town of Baroda—The population—Heaviness—Cheetahs—Highland dress of regiment—Camels—Elephants—Tigers—Her Majesty—Gracious reception—Kindness of Mr. Branson—Presents of fish and fruit—Sir Lewis Pelly—His hospitality—English regiment—Docility of a partridge . . . . .	451
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----

## CHAPTER XLVII.

## THE MEETING OF THE COMMISSIONERS.

Meeting of Commissioners—Intense heat—Trial commenced—Scindia—Sir Dunker Rao—The Maharajah of Jeypore—Si	. . . . .
----------------------------------------------------------------------------------------------------------	-----------

Richard Couch—Sir Richard John Meade—Counsel for pros- ecution—Counsel for defense—Picture of the Gaekwar— Conduct of trial—Evidence of Colonel Phayre—His character —Complaint of his conduct—His dismissal—Charge of poi- soning—His extraordinary account—Not adverted to in the judgment—Phayre's telegram—His letter—Dr. Seward— Bowh Poonaka—Dr. Seward's interference—Insult to the Gaekwar	PAGE
	461

## CHAPTER XLVIII.

### CONTINUANCE OF THE TRIAL.

Continuance of trial—Curious discovery—Raoji's belt—Hemchund Futeychund—His credit disputed by the English Commissi- oners—Believed by the natives—No real attempt at poison —Object of discovering the parcel of arsenic—Damadur Punt —His object in giving evidence—feeling of the audience at his evidence—Result—Reasons given—Documents published by Mr. Aitcheson—Charge against English press—Untrue— Curious decision of Government—Kind conduct of the Gaek- war—Now in the custody of Seward	PAGE
	469

## CHAPTER XLIX.

### TERMINATION OF THE TRIAL.

Termination of trial—Pleasant life during its continuance—De- parture—Voyage home—My embarkation—Met by a large concourse of natives—Bidding me adieu—Handsome testimo- nial—Present of his portrait from the Gaekwar—Meet Sir Lewis Pelly in London—He dines with Sir Napier Sturt and myself at the Garrick Club—His Royal Highness the Prince of Wales honoring us with his company	PAGE
	477

## CHAPTER L.

### GENERAL REVIEW.

State of the Law fifty years ago—Gross Abuses—The Marshalsea —Jacob Omnim—Small number of Queen's Counsel—Ser- jeants' Inn—Abolition without due consideration—Eminence of Equity Barristers—Unfitness to preside in Criminal cases —Grounds of this unfitness—Different trials—Wrong verdicts —Court of Criminal Appeal necessary—Grounds for its adop-	
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

tion—Courtesy between Bench and Bar—Connection between Serjeants' Inn and the City—November 9—Sir Thomas Chambers—His absurd blunder—Serjeant Woolrych—St. Paul's—Sir John and Lady Holker—Stonyhurst—A conscientious clergyman—Lord Justice John Holker . . . . .	482
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----

## CHAPTER LI.

## SOME FURTHER TRIALS.

Duel between Mirfin and Elliot—Trial of the seconds—Found guilty—Pugilism—Formerly creating admiration—Juries unwilling to convict—The decadence of pugilism—Unfairness—Sayers and Heenan fight—Acrobats—Brutal exhibition—Letter from the Queen—Union Club—Tom Holmes—Lord Lowther—Lord Rivers—Fraudulent ballot—Eccentricities in clubs—Anecdotes—I become possessed of a letter of the Duke of Wellington to my father—The Union a non-political club . . . . .	493
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----

## CHAPTER LII.

## LAST CHAPTER.

Mr. Teesdale—His son—A most valuable client—Incident in poisoning case—Anecdote of a Chairman of Quarter Sessions—Advantage of clerical advice—Mr. Serjeant Thomas—Serjeant Wilkins's anecdote—Anecdote of Mrs. Thomas—Gratifying letter—Photograph of Homburg Spring—Young Boucicault—Melancholy end—Majority of criminals—The fair Alice—Lord Frankfort—Trial of Alice—Acquittal—Adolphus—Her engagement at a theatre—Her subsequent career—Another trial—A beautiful girl—Awkward position for a gentleman—Her trial—Conviction—Transportation—Marriage—Convict wives . . . . .	502
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----

APPENDIX . . . . .	511
--------------------	-----

INDEX . . . . .	514
-----------------	-----



SOME EXPERIENCES  
OF  
A BARRISTER'S LIFE.

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CHAPTER I.

AUTOBIOGRAPHY.

HOWLAND STREET, Tottenham Court Road, was, as I have heard, the place of my birth. My first memories, however, are of a farm-house—I have none of how I got there. I remember a large yard, and plenty of straw to roll about in; the pigs and the poultry were my earliest friends, freedom and fresh air my happiness. It was at Warboys, a small village in Huntingdonshire. The property belonged to my mother, who was a native of Somersham in the same county.

These happy days were terminated by a long journey. Stuffed inside a coach, I was sick and miserable, and was scolded for being troublesome. I remember perfectly being deposited in a dull, dreary home, which

I now know was No. 1 Serjeant's Inn, Fleet Street, and have a distinct impression how sour the bread tasted. It is strange that so trivial a circumstance should remain upon the memory when many much more important are obliterated, and it is only on that account that I have thought it worth recording.

From this period my mind is a blank, until I was sent to a school at Fulham, kept by two maiden ladies of the name of Batsford. I have no recollection of what I learned, or how I was taught; but the Sundays passed there have remained graven on my mind: Marched, two and two, to the parish church, clad in our best clothes, and encased in a sort of moral strait-waistcoat; cramped up in a narrow pew, prayer-book in hand, listening to what we could not understand, we strove, often ineffectually, to keep awake, knowing that if we yielded to drowsiness we forfeited our share of the pudding—sole pleasure of the day.

Oh! how I envied the swallows, as they flitted across the windows in joyous sport, reveling in the blessings given them by God, and forbidden to us upon the Sunday. I do not remember how long I remained under the charge of these ladies, of whom I still retain kindly recollections.

My father had originally been in the army, but at the period of my birth had been called to the bar. He carried on his profession, as well as lived, in Serjeant's Inn, Fleet Street. My mother, at the time of her marriage, was a young lady of wealth and position in Huntingdonshire. The house in which we dwelt was the reverse of lively, and I fancy that my father's fortunes were not at that time prosperous.

My mother was a most excellent and pious woman, and carried out with conscientious rigor the views of Sunday which had prevailed at our school. I was taken regularly to the Temple Church, and never will the memory of the hours passed within those solemn walls be effaced from my mind. Under the influence of the Rev. Mr. Rowlett, a most worthy but not enlivening clergyman, I too frequently yielded to the sleepy god, and for doing so received present punishment and was promised a terrific future. A worthy old nurse, of the Baptist persuasion, who would not willingly have hurt a fly, helped to fill my soul with terrors; and at the top of our dreary house, in a lonely bedroom, the memory of my offenses and the anticipation of their penalty drove me nearly frantic.

Unheard and unpitied, I many a time cried myself to sleep. The relation also of any horrible crime used to produce a most painful effect upon me in my lonely moments, and I particularly remember hearing talked about the murder of a Mrs. Donathy, an old lady living in James Street, Bedford Row. It caused a great sensation at the time, and it is wonderful, after a long lapse of years, how vivid my recollection of it is. The thought of it was present to me at night, and every noise conjured up a murderer to my imagination. Such memories remain—perhaps, also, their consequences.

The Temple Gardens relieved the monotony of our domicile, but even there I felt that the lynx eyes of the gardener were watching my every movement.

I cannot say what period of my life was thus occupied, but I remember one magical and delightful event. I was taken to see a pantomime. How wonderful it

was, and how beautiful! I have never forgotten it. I even now remember a scene in which, in a snow-storm, Baron Munchausen fastened his horse to the steeple of a church, mistaking it for a gate, and the next morning, the snow having melted, there was the steed dancing upon air. Great was my ecstasy when the Baron, taking aim with his gun, separated the reins from the steeple, and the horse came tumbling down. And there was another welcome treat in my existence, when I went on a brief visit to one of my father's sisters. She lived at Wimbledon, and was married to the Rev. Joshua Ruddock, who prepared a few lads for the University. With what pleasure I recall their loving hospitality, the delight of roving on the Common and over the Danish Camp, the little present of books long looked forward to, which terminated my happy sojourn.

Once my brother and myself were taken to the seaside—Broadstairs, afterwards a favorite resort of Charles Dickens. The mode by which this pleasant watering-place was then reached was by two steam-packets. I remember their names—the “Engineer” and “Majestic.” They had nearly superseded the old Margate hoyas, which, however, like the stage-coaches with the railways in a future generation, were then maintaining a hopeless contest with their formidable rivals. I believe that these were the first steamers upon the Thames,<sup>1</sup> and were allowed to die a natural death at a mature age, after a prosperous career. Their successors, although not extinct, have to a great extent yielded to the convenience and speed

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<sup>1</sup> They were certainly the first that ran to Margate.

of conveyance by rail, and now, of the many thousands who in the course of a year visit the Isle of Thanet, only a small proportion select this very agreeable mode of reaching it.

On the morning following our arrival at Broadstairs, which had not been until late on the preceding evening, for the first time the broad expanse of the ocean disclosed itself to my astonished senses. I can but inadequately describe the sensation it occasioned. It must have been calm, with a summer haze brooding lazily over its surface, whilst to my unaccustomed eyes distant vessels seemed suspended from the sky. Once only, since that time, have I experienced the same feeling of wonderment and awe, and that was when, many years after, a long range of snowy mountains burst upon my vision. On such occasions as these something seems added to our nature, exalting and purifying it. The sands, too, were a source of intense enjoyment. But most of my readers have had this illustrated by means more vivid than words, in the happy faces of the urchins playing upon the beach. Many pleasant hours have I since passed in the same locality: but what can ever replace the joyousness that knows no remorse for the past or fear for the future!

A contrast came only too soon: the blackest and most odious period of my existence arrived—I was sent to St. Paul's School. The house was then standing where it does now in the church-yard; but, shortly after I entered, the school was removed to Aldersgate Street whilst the present building was being erected.

I was a day scholar.<sup>1</sup> There were four masters, all clergymen. Dr. Sleath was at the head. Of him I knew nothing except by sight, never having reached the classes over which he presided. He was a man of portly presence, a good scholar, I believe, and much respected. Bean, Edwards, and Durham were the three other instructors, and, however different these were in many respects, they possessed one common attribute. They were all tyrants—cruel, cold-blooded, unsympathetic tyrants. Armed with a cane, and surrounded by a halo of terror, they sat at their respective desks. Under Durham the smaller boys trembled; Edwards took the next in age. Each flogged continuously. The former, a somewhat obese personage, with a face as if cut out of a suet-pudding, was solemn in the performance of this, his favorite occupation. The Rev. Mr. Edwards, on the contrary, though a cadaverous-looking object, was quite funny over the tortures he inflicted. Trois Echelles and Petit André, the executioners of Louis XI., so admirably described by Walter Scott in his novel of "Quentin Durward," treated their victims after a similar fashion. One of the favorite modes of inflicting pain adopted by these tyrants was, when the boys came in on a winter's morning, shivering and gloveless, to strike them violently with the cane over the tips of their fingers. I nearly learned at that school the passion of hatred, and should probably have done so but that my mind was too fully occupied by terror. Bean was a short, podgy, pompous man, with insignificant features. His mode of correction was different in form, and I can

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<sup>1</sup> Some boys boarded with the masters.

see him now, with flushed, angry face, lashing some little culprit over back and shoulders until his own arm gave way under the exertion. Amongst the amusements of this gentleman, one was to throw a book—generally Entick's Dictionary, if I remember rightly—at the head of any boy who indulged in a yawn, and, if he succeeded in his aim, and produced a reasonable contusion, he was in good humor for the rest of the day. I have met them all three since my school days, and found them shallow and ignorant, no doubt with plenty of Greek and Latin in their heads, but without knowledge of human nature or power of appreciating the different dispositions of their pupils. All that was necessary for them to know was that they were capable of suffering. I have heard that of late years the school has been admirably conducted, and has turned out brilliant scholars; but I am not aware that any of my contemporaries obtained in their subsequent careers great distinction. There were, of course, the ordinary catalogue of minor nuisances in the shape of very good boys and very great bullies.

I was always badly dressed, and seldom had any money in my pocket. This was no fault of my poor mother, and I fancy, as I have before hinted, that at that time the *res angusta* pervaded our household. It is a bad thing for a boy to be sent to a school in a worse plight than his fellow-pupils: it is apt to breed meanness in himself, and invariably subjects him to tyranny from others. Of the latter I underwent my full share. I suspect I was a bit of a coward; I know I hated fighting. There was a fat brute named Thompson who used to thrash me unmercifully, but

one afternoon I hurt his head with a leaden inkstand, and, although I got well caned for this little accident, I found it had a good effect on my persecutors.

I may mention that during the time I was attending this school my father had removed from No. 1 to 6 in the same Inn, and that amongst its other inhabitants were Serjeant Wilde, afterwards Lord Truro, Frederick Pollock, afterwards Chief Baron, and Mr. Jervis, a Welsh judge, father of the future Chief Justice of the Common Pleas.

On my way to school I had to pass an ancient inn, called the "Bolt in Tun." It was situated on the south side of Fleet Street. Its sign as well as name breathed memories of the past—The Arrow into the Target. There was generally a four-horse coach standing opposite its gateway. How I lingered, gazing with admiring eyes at coachman and horses! How I envied the passengers! They were about to quit smoky London and breathe the fresh air of the fields. They had no dread of the cane descending upon frozen fingers. I knew what would be my fate; but still I looked and longed, and turned to take one look more. I could not picture unhappiness in the hearts of the passengers. I ran on to my gloomy lot, hoping not to be late; but that if I were, that I should get some warmth into my trembling hands.

After I had been at St. Paul's some four or five years, my father took a house at Hampstead, and, to my great joy, I was sent to a school at Blackheath, called Ashburnham House, kept by Mr. Wigan. This gentleman was a scholar, and both kind and considerate to his pupils. He had a brother, a physi-

cian in Finsbury Square,<sup>1</sup> and his sons Alfred and Horace, subsequently distinguished actors, were amongst my fellow-pupils. The school was not financially a success, and broke up. I went afterwards to another private school at Hampstead, kept by worthy people named Johnson, and in the air of this most pleasant of suburban places I soon regained my spirits and looked more contentedly upon life. Here I remained for some years, having little to record until I commenced the graver studies of the law.

And now I propose to sketch, very briefly, my career up to the time when I obtained permission from the Honorable Society of the Inner Temple to gain what livelihood I could in the position of a barrister.

At the period when I was looking forward to this event, there might be seen in different parts of London an individual of somewhat eccentric appearance. He was a thin, active old gentleman, with powdered hair, and I believe a pigtail—certainly with knee-breeches and silk stockings. This was Mr. Platt, clerk to the celebrated Lord Chief Justice, Lord Ellenborough, and father of Thomas Platt, barrister-at-law, Queen's Counsel, and ultimately a baron of the Exchequer. This latter gentleman was a friend of my father, and kindly received me into his chambers, where I remained for some three months. He is worthy of a place in any legal records. Well educated, but with no commanding talent, with no pretense to eloquence, and starting from a compara-

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<sup>1</sup> I have mentioned this connection of Mr. Wigan in consequence of an utterly false account that I saw in a recent publication of the position of Mr. Alfred Wigan's parents.

tively humble position, by industry and perseverance and most upright and honorable conduct, he achieved the high position I have mentioned, with the respect of the public and the profession.

And yet, strange to say, he violated the obvious intentions of nature, and like Liston, the comedian, who imagined himself to have been intended for tragedy, although essentially comic in the form and expression of his features, the subject of my sketch, with a face that seemed made to create laughter, would plant upon it the most lugubrious of looks. "Pray," said Lord Lyndhurst to him one day, "spare us that wife and twelve children face." Nevertheless, his appeals to the common juries were very effective. The following climax, which I remember, greatly increased the damages awarded to a young lady for whom he was counsel: "And, gentlemen, this serpent in human shape stole the virgin heart of my unfortunate client whilst she was returning from confirmation!"

The Honorable Charles Ewan Law, son of Lord Ellenborough, commenced a career at the bar about the same period as Mr. Platt, and went the same circuit, the Home, with every accompaniment to success except his own demeanor. He undoubtedly possessed ability, but it was smothered by pomposity and vulgar pride.

He signally failed at the bar, but his rank and connection obtained for him the office of Recorder of London, and he was thoroughly ashamed of the patrons who had placed him there. Although I do not consider that there is any merit in being too humane, I still think it fair to say that in his administration of

justice he was considerate and merciful. He was in Parliament, but never distinguished himself. I remember, after Mr. Platt became a judge, his presiding at the Central Criminal Court, Mr. Law being then in the inferior position of Recorder.

After leaving Mr. Platt's chambers, I went to those of Mr. William Henry Watson, at that time a pleader below the bar, who afterwards became a Baron of the Exchequer. His father was a general officer, and he had himself commenced his career in the army. He was, I believe, a good case lawyer, and had a large business. He received some ten or a dozen pupils, whom he permitted to learn what they could, and, judging by myself, this was very little. He was a gentleman, and a favorite with all of us. I have little to record of the two years passed in these chambers amongst a mass of papers, copying precedents of pleading which were a disgrace to common sense, and in gossip with my brother students, most of them as idle as myself. They were older than I was, and amongst them was a gentleman with whom I have remained ever since upon terms of intimacy. This was Mr. Joseph Brown. He was a very hard worker, and used to suffer grievously from the want of that quality in the majority of his fellow-pupils. He became a distinguished leader upon the same circuit with myself, and will go down to posterity as the admired author of the longest set of pleadings ever known. At the bar, his arguments have been most exhaustive, and never weakened by any approach to levity. Socially, his knowledge and learning render him a most delightful and improving companion, and every one who knows him respects and likes him.

John Nodes Dickenson, another pupil, was also a hard worker, and, oddly enough, like myself, had been at the school kept by the Misses Batsford. He also joined the Home circuit, and he and I were accustomed to lodge together at Maidstone. He accepted early in his career a Colonial judgeship. His brother, the eminent Queen's Counsel, has recently retired from the equity bar.

Edward Rushton, familiarly called Ned, was a pupil of a different type. Much older than any of us, he had been an active politician, and amused us with tales of election contests. We believed him to be a great orator. Perhaps he was. Cobbett had given him the name of Roaring Rushton. He became afterwards stipendiary magistrate at Liverpool, his native place.

Hamill, another pupil, obtained the post of a police magistrate of the metropolis. I must not forget, too, "Ben Hyam," whose real name was Marriott. His father was a magistrate, before whom a charge was made by a Turk, an itinerant vender of rhubarb, who had been robbed of all his earnings. The case was clear enough, and the thief ordered to be committed. The Moslem was told he must appear at the next sessions. He swore by the Prophet that he could not; upon which the magistrate, legally enough, ordered him to find bail for his appearance, which of course he was unable to do, and went to prison in default. The magistrate, *ex debito justitiae*, admitted the prisoner to the same privilege, of which he speedily availed himself. The sessions arrived, and, as might be expected, the thief did not. Ben Hyam, after the loss of his earnings and his liberty, was released.

What became of him I never heard, but his reflections upon English justice could hardly have been higher than those we entertain about an Eastern cadi. Hence arose the nickname bestowed on my friend Marriott, which he retained to the day of his death, which occurred early.

I have met with an account of the above incident as having occurred in Russia, but I can vouch for the accuracy of my statement, and that it occurred in London, about the year 1830.

At last the labors which led to the bar and might lead to the woolsack were over. I had eaten the requisite number of dinners. A good appetite and good digestion rendered this not difficult, and there were pleasant young fellows, full of hope and high spirits, engaged in the same occupation with myself.

The batch to be "turned off" were summoned to the bench table. We were each presented with a glass of wine, and a speech was made to us by the treasurer, giving us good advice and wishing us prosperity in our forthcoming career; and so we were launched upon the sea, looking then so calm, but, alas! too often engulfing pitilessly the brightest ventures. Upon these occasions unpleasant truths were sometimes uttered, and on one of them a gentleman named Carden, who had to return thanks for his fellow-students, concluded by expressing his regrets that none of those who had wished them success were likely to live to see it.

I propose in my next chapter to give a glimpse of London as I remember it during my pupilage, some of the scenes I witnessed, and the impressions conveyed.

## CHAPTER II.

### LONDON DURING MY PUPILAGE.

**I**N giving a description of the great metropolis previously to my call, I shall confine myself as nearly as possible to the results of my own observation, and the impressions springing from it. Its surface and extent were very different from those which now present themselves to the view; bricks and mortar, marching in all directions, have eaten up many a green field and pleasant lane; and palaces now cover what were unhealthy swamps or the noisome dwellings of the poorest classes.

It is not, however, the changes that meet the eye only which have to be recorded. Science, literature, thought, have made prodigious strides, and many speculations are now openly discussed upon subjects which it would then have been thought impiety even to allude to. Steam, a sleeping giant, has been forced to work, and panting and puffing has brought people together, adding to their pleasures and enlarging their minds; and, wonder of wonders, more wonderful than any tale of magic, electricity has conquered space, and seems now to be pursuing a career to which there is no apparent limit. Some crimes have assumed

larger proportions, and the present has been an age of daring and gigantic fraud.

And yet in those days there existed men worthy of any period in a great nation. The battle of Waterloo was fought in the year 1815, and the greatest general since the time of Marlborough was placed by the enthusiastic voice of the nation upon a pedestal from which in that capacity he has never been displaced, although as a statesman he was unpopular, and persecuted by a thoughtless mob. Walter Scott had only recently published one of the most charming of his works, "Guy Mannering," which will for all ages delight young and old. Byron and Shelley had startled sober people by their wondrous poetry and reckless opinions. Great lawyers had adorned the bench, and the bold advocacy of Erskine had done much to cement the liberties of the people, whilst crimes of stupendous atrocity were not without their representatives.

The interests of medical science had created a body of men that have passed into oblivion. Like the ghouls of eastern story, they haunted grave-yards, and lived upon corpses, violating the tomb, and gaining a living by supplying the dissecting-table with its ghastly subjects. They were called resurrectionists. It occurred to a native of Edinburgh, named Burke, that an easier and more profitable method might be devised to attain the same end, and he and an accomplice named Hare established a system of assassination; lads wandering about the street were little likely to be missed, there were few to inquire for them. They might be half-starving, but still their carcasses w-

serve the purpose of the surgeon's knife; and they must not be spoiled by external damage, and so these fiends, stealthily crawling behind them, pressed a pitch plaster over their mouths and noses, and thus suffocated them. They were then conveyed to the dissecting-rooms and sold to the anatomists, fetching a good price, as, unlike many stolen from the grave, the bodies were comely and free from corruption. There appears to have been strange carelessness on the part of the recipients; they knew that the class they were dealing with was infamous, and the appearance of the subjects ought to have created suspicion; but it is fair to remember that probably those best able to form an opinion were not present at the earlier stages of the transaction. "To burke" has become a recognized word in the English language. No one doubts that the study of anatomy, pursued through the means of dissection of dead bodies, is most useful in the interest of mankind. No one will dispute the labor, thought, and skill that have been exercised in its practice, or the enormous benefits that have been attained by it; and although there may be a sensational feeling against it, no real evil is inflicted by its exercise; and the interests both of science and humanity fully justify its use.

It is now some fifteen years ago that a man of middle height and proportionately stout, clad in one of the ordinary white smocks worn by laborers, guided by a dog and holding in one of his hands a metal saucer, might be seen slowly perambulating the streets of London. His sightless eyes, turned upwards, appealed to the compassion of the passer by. This man was Hare, the accomplice of Burke, who had been admitted as a

witness against him. Subsequently to the trial he obtained employment in another name upon some lime-works. His fellow-laborers found out who he was, and threw him into one of the pits, the contents of which caused him the loss of his sight. There was a woman who was accustomed to join him at the end of the day, and apparently accompany him to wherever he lived.

I have often seen these two meet, but never noticed a smile on the face of either of them.

The infamy of this crime was not confined to Scotland. I remember, when a youth, I was taken to the Old Bailey to see two men tried for the murder of an Italian boy by similar means, and with the same object. It was the first time that I made my appearance in that court, and if I remember rightly I had a seat with the Ordinary. The names of these men were Bishop and Williams; they were both convicted and executed.

In recording the above circumstances my mind naturally reverts to a practice which existed then as it does now, and which I believe is viewed by a great portion of the community with feelings of repulsion and horror. I need hardly say that I allude to vivisection. It is said that it promotes knowledge which is serviceable to the human race, and those who practice it defend it upon that ground. If this assertion were conclusively proved, which certainly is not the case, I should still protest against its use, and denounce it as a disgrace to a Christian land. The hypothesis upon which it is defended must be that the brain, muscles, and nerves of an animal are analogous to

those of a human being, and therefore will, under certain conditions, exhibit similar results. If so, vivisectionists apply to creatures formed like themselves tortures which the ingenuity of science has rendered more terrible than any invented by the savage.

There can be no doubt that some of their victims do possess thought and memory, affection and gratitude, that might shame their persecutors, but whether these qualities are developed in the same way or are dependent upon the same causes, must be matter of speculation. How can the vivisectionist know that when he touches some nerve which makes the unhappy creature writhe in unspeakable agony, the same effect would be produced upon the human frame? Some slight difference may create a complete error in the conclusion arrived at, and a human patient may be treated upon an erroneous assumption that his brain is worked upon by the same influences as that of a dog. If, on the other hand, the assumption is that animals are differently formed from ourselves, it is difficult to embrace the idea that their torture can produce beneficial consequences. I believe that speculation of a kind created by vivisection is more likely to lead to blundering than to benefit, and the reports which I have read of the inquiry before a committee of the House of Commons by no means removes the impression; but as I have already said, if it were proved to demonstration that some benefit might be obtained by it, the practice is not the less abominable and unholy. I believe that the true instincts of every pure heart will throb in sympathy with this feeling. As I write, my old collie, friend and companion

ion for the last ten years, is looking at me with his earnest brown eyes, as if thanking me for this humble protest against the torture of dumb life.'

Having alluded to the Duke of Wellington, I may here mention that I once met him at dinner. He was then much aged, talked gravely and with great distinctness, ate but little, drank no wine, and left early. He was a member of the Union Club when I joined it, and I have heard a story that he became a member of Crockford's, the famous gambling resort, that he might blackball his sons if they became candidates. Of course I had heard a great deal about him, after the fashion and with the accuracy usually extended to children by their early informants. I remember the touching anecdote of how he and that old Prussian warrior, Blucher, met upon the field of Waterloo and mingled their tears over the bodies of the slain. The well-known and much more probable story is told of the latter that, having been entertained at a city dinner, and thoroughly enjoyed its gorgeous hospitality, he delighted his hosts by his admiration of London, concluding, however, with the startling exclamation, "What a splendid city it would be to sack!"

The Duke afterwards gave a dinner at Apsley House to the Tower Hamlets magistrates. I remember that at the time the Duchess was ill, and the fear of her being disturbed prevented the picture gallery from being lighted up. I constantly met the Duke

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<sup>1</sup>This dog when a puppy was given to me by Colonel Farquharson of Invercauld, and I could record instances of his sagacity quite equal to many attributed to reason in a human being.

afterwards, and was always very graciously recognized.<sup>1</sup>

Streets at this period after dark blinked with the aid of oil lamps. A machine called a hackney-coach, licensed to carry six people, redolent of damp straw, driven by a still damper coachman, was the principal mode of locomotion. The driver was called a jarvey, a compliment paid to the class in consequence of one of them named Jarvis having been hanged. Omnibuses were unknown.

Those stalwart figures in blue that are now to be seen lounging gracefully by area steps, were still imbedded in the brain of Sir Robert Peel. Officers called Bow Street runners were supposed to catch thieves, with whom in their convivial hours they associated.

Watchmen—Charlies they were named—called the hours of the night, probably lest by some accident they might disturb offenders. When middle-class people went to a play, or to some little distance out of town, they performed the operation in what was called a glass coach; why so called I must leave to antiquarian research. It did not smell so much of straw as the hackney-coach, and the driver at some period or other may have washed himself. It was, however, an eminently respectable vehicle, and naturally, therefore, very slow and solemn in its movements, and its employment was a great event in the family. There sprang up, however, in my comparatively early days, a dissipated looking vehicle called a cab. It was formed of an open box placed upon two

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<sup>1</sup> *Vide Appendix.*

high wheels. This was for the passenger ; the driver sat upon a board by the side. They were considered fast—not so much in motion as in character. However, the necessity for locomotion does away with prejudice, and I have lived to see an archbishop in a hansom cab !

The Church was represented in the main streets of London by figures that exhibited a strange appearance to my juvenile mind. These were the bishops. They then wore white wigs, surmounted by a three-cornered hat called a shovel, a long silk apron, knee-breeches, and silk stockings, for which their legs seldom seemed well-suited. I have often felt grateful that Queen's Counsel in their robes are exposed to the view of only a limited circle, and the very thought of walking through a crowded thoroughfare in my full-bottomed wig throws me into a cold perspiration. In the narrow places and by-ways men soberly dressed in plain, and sometimes threadbare, black, then, as now, brought consolation to the hovels of the poor and starving. These, a noble, self-denying race, are the working clergy, and are confined to no denomination.

London did not boast of so many theatres as it does now, and the drama scarcely presented any similar features. Drury Lane and Covent Garden were then the principal, and, possessing certain privileges, were called patent theatres. The performers were described as Her Majesty's servants. The legitimate drama, the ordinary entertainment, was varied by farces—not pieces of buffoonery, but comedies in two acts ; and the pantomime at Christmas, then really

justifying its name, was one of the institutions of the country. To those accustomed to the magnificent scenery, gorgeous decorations, and the semi-operatic semi-burlesque displays now called pantomimes, the simplicity of their predecessors would be astonishing. They were played in dumb show, and a plot pervaded the whole. It was simple enough. In the beginning a benevolent fairy announced her intention of protecting certain virtuous lovers, whilst a demon was bent upon their destruction. A tyrannical father and objectionable suitor were patronized by the latter. They constantly followed the virtuous pair, who as constantly eluded their grasp, whilst they themselves met with every kind of misfortune, until they became clown and pantaloon ; whilst the lovers were sprightly harlequin and columbine, still persecuted by their old enemies, until the good fairy made them happy in domains of bliss. The tricks and tumbling which characterized the performance were witnessed with shouts of laughter by the urchins who then crowded every part of the house, very different indeed from the gravity that now attends the representations. The pantomime was usually preceded by such dramas as "Jane Shore" or "George Barnwell," whether with the idea of contrast or with a view of inculcating moral lessons I cannot say ; but inasmuch as the gods never allowed them to be heard, whatever the purpose was, it had no chance of succeeding.

The names of Kemble, Edmund Kean, Miss O'Neill and many others adorn the theatrical annals of those days. I have seen the two latter, but must have been too young to appreciate them. I have a vivid

recollection of Charles Kemble playing the "Inconstant," in the comedy of that name, and every word and gesture of the actor, in his scene with the bravos, remain fresh upon my memory. Miss Foote was the heroine. How beautiful she was!

I have been frequently in the company of Charles Kemble; and I remember on one occasion dining with him at the Garrick Club. He sat immediately under a life-like picture of a scene from a drama called the "Merry Monarch," in which he represented Charles II. Fawcett played Captain Copp, and one of the most charming of actresses, Maria Tree, played Mary. How well I also remember Miss Love, and the ballad of "Buy a Broom." However, fond as I am of the subject, I must not weary my readers. Those who also like it, and there are many less amusing and instructive, will find abundant food in two pleasant volumes lately published by the veteran author and stage manager, Mr. Sterling, and a clever and very entertaining pamphlet called "Church and Stage," written by Henry Spicer, an old and valued friend of mine. The English Opera House stood upon the site of the present Lyceum. The only memory I have of it is seeing Miss Kelley play Meg Merrilies in a version of "Guy Mannering." The old Adelphi, however, a small theatre standing on the same site as the present building, deserves special mention. The first piece I remember being played there was "Tom and Jerry." A little unknown man, who had been given some three lines to say, contrived in doing so to create roars of laughter. His part was written up, and from that time to his death he was recognized as one of the most

comic actors that ever delighted an audience. This was Robert Keeley, and it is no unjust criticism to say that he was fully equaled by his talented wife, who still lives, and although she has retired from the stage, is as bright and lively as ever.<sup>1</sup> The glories of the Adelphi would fill a volume. What old patron of the drama will ever forget Yates, Jack Reeve, little Wright, Miss Honey, or that most wonderful of stage villains, O. Smith? And even out of this phalanx of talent there stood one figure, Mrs. Yates, the most perfect personator of what may be called domestic drama that ever walked the stage. I had the pleasure of knowing her in private life, where, like many other ladies then and now following the same calling, she was as much respected and admired as she was in her professional career. At the Haymarket Buckstone was in his line without a rival. But I must hurry on. There are many about whom I should like to say a loving word, but space forbids. I must not, however, forget the transpontine theatres, the Surrey and Coburg, the latter renamed after our gracious Queen. Terrific combats signalized their boards; outraged innocence, diabolical oppression, virtue rewarded, wickedness punished by means utterly impossible off the stage, drew crowds of admirers, and filled the small picture-shops with characteristic likenesses. One Italian

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<sup>1</sup> July 21, 1881.—I had the pleasure yesterday, at the house of my hospitable friends, Mr. and Mrs. Levy, of meeting this lady, and my description of her is by no means overcharged. She told me that she was seventy-five years old. I had a long and most pleasant talk with her. Mrs. Wigan, the widow of my old school-fellow, the distinguished actor, herself a most accomplished actress, was also present. It was delightful to see these two old ladies seemingly so happy, and receiving much attention from everybody present.

opera house existed, but I do not fancy that it possessed attractions beyond a limited circle. Fashion reigned within its walls, and I confess that even if I could have obtained admission I should greatly have preferred a Surrey melodrama.

Whilst steam and electricity have worked their magic changes, a boon has been conferred upon suffering humanity by the application of anæsthetics.

In my early days there were great surgeons. The names of Astley Cooper and Brodie, and a crowd of others, adorned and elevated a noble profession, but they had to pursue their art inflicting great pain in alleviating disease. At present, happily, sense and feeling sleep whilst the knife performs its marvelous task.

Let me now take a glimpse at the surface of what I will call old London and its ways. Although there were distinguished lawyers and an imposing array of courts, justice was slow and expensive. There were no county courts, but here and there in the metropolis were dotted small debts courts, not remarkable for dignity or use; they were called Courts of Request. Debtors were incarcerated, and suffered frequently worse punishments than criminals. The Queen's Bench prison, with its misery and its shame, is a thing of the past, and the sad voice of the poor prisoner is no longer heard from the walls of the Fleet.<sup>1</sup> Police courts were called offices, and the magistrates might be costermongers; Sir Richard Birnie, the chief magistrate, was, I believe, a saddler. The streets at night

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<sup>1</sup> In those days, one of the prisoners incarcerated in the Fleet used to stand behind an opening and solicit alms from the passers-by; his words were, "Pray remember the poor debtors."

exhibited scenes of disorder and unchecked profligacy. The south end of Regent Street, called the Quadrant, was a covered way, and nearly every other house was devoted to open and public gambling. The same may be said of Leicester Square. There was no limitation as to the hours of closing places of entertainment, and in many of these were exhibited the coarsest descriptions of vice. The saloons of the patent theatres could not be entered by decent women. Drunkenness exhibited itself in the foulest guise, and extended to classes now generally above its influence.

Clubs were comparatively few and not accessible to the masses, and taverns, amongst which I may mention the London Coffee House, on Ludgate Hill, and the Piazza, in Covent Garden, were still used by gentlemen of position and fashion. A restaurant had never been heard of, and would probably have been denounced as savoring of Bonaparte. *A la mode* beef-shops and eating-houses of different grades, but of little pretensions, furnished the entertainment necessary to those who could not enjoy the domestic dinner. One was in Rupert Street, called Hancock's, where excellent fare was provided at a very moderate rate, and served by the neatest of waitresses; and there were two French houses, called the Sablonnière and Newton's. The former, in Leicester Square, was supposed to represent the highest order of French cookery. Ladies were not admitted into any places of this class. The small houses in by-streets, in the City especially, with sanded floors, a fire, a gridiron, and a cook at the end of the room, the broiling hot steak or chop, the appetizing kidney and sausage, are

almost things of the past. Supper-houses, frequented only by men, were very important features of the night, and, if they reflected truly the tastes and manners of the generation, it would not be considered refined.

I may mention Evans's, the Coal Hole, the Cider Cellars, and Offley's. The suppers served were excellent, and, in addition, there was singing, the *habitués* sitting at the same table with the singers.

There were some good songs excellently sung, but there were others of a degrading and filthy character. Most of my readers will remember a scene described by Thackeray in his novel of "The Newcomes," referring to this subject, which is far more graphic and powerful than any I can attempt. It seems strange that in places undoubtedly frequented by gentlemen, obscenities of this description should have been encouraged; but it must be remembered that in those days there were many coarse features throughout society.

Vice, clothed in its most repulsive garb, stalked publicly through the streets. Pugilism, treated as a noble English institution, created an atmosphere of coarseness and slang, and even in private society toasts were given and conversation was tolerated that would now shock the least refined.

There was one song sung, or rather recited, that made a considerable impression upon my mind, called "Sam Hall." The name of the singer was Ross. He had been an actor at several minor theatres. The profanity of its expressions prevents my quoting the words. It was supposed to describe an interview between a condemned criminal and the Ordinary, whose well-

intentioned advice is met by the felon with an account of his career, starvation, the gutter, cruelty, small theft, the corruption of a gaol, the brand upon him, robbery from a shop and the brutal sentence;—the hopelessness of his entire life was most dramatically, and I think truly, portrayed. Before quitting the supper rooms I will venture to record a painful incident that occurred in connection with one of them. I had been to a ball at Kensington, and, together with some friends, went into the Cider Cellars to sup. Amongst them was a gentleman much valued by all of us, named Darrell Stephens. Whilst we were consuming kidneys and Welsh rarebits with all the vigor of youthful appetites, he was unmercifully chaffed for confining himself to a poached egg. Poor fellow! he dropped down dead when walking in Fetter Lane the following day.

I never witnessed any prize fights; but the eloquent pen of Mr. Dowling surrounded them with a halo of glory. Spring and Langham, to my mind, appeared modern Ivanhoes, and the scene of encounter another field of Ashby-de-la-Zouch.<sup>1</sup> I have, however, since witnessed some of these heroes enjoying their laurels, the deities of sporting pot-houses, where, with distorted noses, and an absence of the proper complement of teeth, eyes uncomfortably bunged up, and mouths reeking with gin, they were probably recording their former triumphs. I wonder whether it is true that the paladins of old, who are supposed to have leaped so gracefully on to their gallant steeds

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<sup>1</sup> See Appendix. I do not include the two I have mentioned in my subsequent description.

and performed such miracles of valor in the prize fights of those days, were, in fact, lifted upon their chargers, and, when rolled off, frequently smothered in their iron mantles.

Periodical literature, which has now reached such gigantic dimensions, was then confined within comparatively small limits: the "Edinburgh" and the "Quarterly" were the only reviews, "Blackwood," modestly calling itself a magazine, was supported by articles both grave and amusing; "Fraser" introduced Thackeray to the public, and the "Yellow Plush Papers" have never been surpassed, even by himself; Theodore Hook rollicked in the "New Monthly"; whilst Captain Marryat, in the pages of the "Metropolitan," detailed adventures and humorous scenes of sea life.

The "Times," conducted with wondrous ability, had become a director of public opinion, and there was scarcely a respectable household that did not secure a pennyworth of it in the course of the day, the price of which was sevenpence, precluding to many its entire purchase. Penny papers were unknown and undreamed of. In the middle classes five o'clock was an ordinary dinner hour; and six o'clock was fashionable in the rare event of a party. *Menus* had not been heard of, and a dinner *à la Russe* had not traveled from the north. *Paterfamilias* presided over the food, and a perspiring carver did not dig lumps of meat from the joint and hand them with half cold gravy to the guests. It is a great mistake of dinner-givers in modern style to have joints at all: they are invariably carved in the most sickening fashion, and,

from the appearance presented by the parts that reach the guests, might belong to any animal ever created.

I have in the foregoing pages given the reader some of the memories of the past, and my reflections thereon. There are others that I may hereafter record, which belong to a somewhat later period of my life, but I think it time to say something of those matters that more particularly belong to my professional career, and I therefore propose in my next chapter to introduce my readers to its commencement.

## CHAPTER III.

### COMMENCEMENT OF MY PROFESSIONAL LIFE.

I COMMENCED legal operations upon a second floor at No. 5 Inner Temple Lane—the same lane in which Dr. Johnson flourished. They were grimy old buildings then: their names even have ceased to exist, and handsome edifices fill up the space thus left. Dirt seemed at that time an attribute of the law. Now appearances are changed, and the surface is, at all events, much improved. In those days the evenings were supposed to be occupied by study, and consultations were held: now, after dark, passengers may seek in vain for the glimmer of a rushlight.

I cannot say that I burned much midnight oil. No attorney, late from the country, ever routed me out and thrust a heavy brief into my hands—a circumstance which we have heard has so often been the origin of success to eminent lawyers. My establishment was limited. I shared with some half-dozen other aspirants to the Bench what, in Temple parlance, is called a laundress, probably from the fact of her never washing anything. I fancy that her principal employment was walking from my chambers to the pawn-

broker's, and thence to the gin-shop. At the end of a short period, my property, never very extensive, was reduced to little more than a pair of sheets, a tea-pot, and a coal-scuttle, over which last it pleased Providence that she should tumble downstairs, and the injuries then sustained relieved me from her future attendance. A mischievous little urchin cleaned my boots and was called clerk.

My means were extremely limited, and it may interest my readers to know what my professional earnings were during the first three years of my career. I was called to the bar in June, having attained the mature age of twenty-one the preceding March. Between that period and the following Christmas I made four guineas and a half; the second year I made thirty guineas, and the third seventy-five. I am afraid I must admit that I did not measure my expenditure by my income. My father had undertaken to furnish my chambers, and one of the principal articles he sent me was a horsehair arm-chair with only three legs, upon which I got so accustomed to balance myself that I scarcely felt safe on one furnished with the proper complement. He also had promised certain assistance by way of income, upon which promise I lived; but it was something like the income allowed to the Hon. Algernon Percy Deuceace by his father the Right Hon. the Earl of Crabs, recorded in the veritable history of Mr. Yellow Plush. I possessed one confiding tradesman. His name was Gill, he lived close by in Essex Court, and, fortunately for me, dealt in almost every article. My transactions with him remind me of a conversation recorded between

a foreign prince and his steward. The former, complaining that his horses looked thin, was informed that the corn dealer would supply them with no more oats. "Who will trust us?" asked the prince. After deep and long consideration the steward said that he thought they still had credit with the pastry-cook. "Feed the horses upon tarts!" said the prince.

Gill was my resource for everything, from pats of butter to blacking. At last, after long suffering, he struck, shaking his head when I told him of the clients I expected. On the afternoon after this event I was balancing myself upon my three-legged chair in melancholy mood, and wondering whence my dinner would come, when a knock sounded at my door, and a clerk from Messrs. Gilby and Allen,<sup>1</sup> blessed be their names! brought me, and paid for, three half-guinea motions. With this mine of wealth in my pocket I determined to enjoy myself luxuriously, and accordingly went to Hancock's, an establishment I have already described. The glorious repast still remains imbedded in my memory—twice of saddle of mutton: I am afraid to say how many helps of jam tart. After a handsome honorarium of threepence to Mary, who had never looked coldly upon me in my worst hours of impecuniosity, I had still twenty-five shillings left.

Wretch that I was, I forgot the patient Gill, and found my way into one of those sinks of iniquity, a gambling-house, in Leicester Square, and came out possessed of thirty-five pounds!

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<sup>1</sup> These gentlemen were well-known solicitors in Carlisle Street, Soho Square, and almost my earliest clients.

I was a millionaire. Gill once again smiled upon me, and the penny roll and pat of butter upon my breakfast table next morning testified to his restored confidence.

When I was called to the bar the police magistrates were qualified to sit upon the sessions bench, and the county justices might preside at the police offices, which they frequently did. My father on some occasions presided at the Middlesex Sessions. The smaller class of criminals were tried before this tribunal; there was also a large amount of civil business, consisting of poor-law appeals. These involved intricate points of law, and a great deal of money was spent in ridiculous contests between parishes in relation to the support of paupers. Mr. Bodkin, who afterwards became chairman, or, as it was then called, assistant-judge of these sessions, was an extremely able advocate in this kind of case, and from his early experience possessed much practical knowledge.

Mr. Clarkson, at first his usual antagonist, contrived to blunder through them, but he and others shortly yielded to Mr. Huddleston, afterwards and now a Baron of the late Exchequer, and one whose mind was of an order peculiarly qualified to master the technicalities of this description of business. This gentleman was one of my earliest friends at the bar. He possessed qualities which made his success only a question of time. He was fond of society, but never neglected work, and his thorough knowledge of his causes made him a most powerful and efficient advocate.

His career has been in all respects a successful one, and there are few men who are able to reflect as

he can that, both in public and in private life, he has attained every object of an honorable ambition. Whilst dwelling upon the Middlesex Sessions, I must say a few words of that curious-looking figure usually seated at the corner of the barrister's bench. One who saw him for the first time might be inclined to ask, What is it? Upon minute investigation might be discovered, encased in clothes far too large for him, the gaunt figure of a very unclean-looking man.

This was Mr. Michael Prendergast—"Mike," he was always called. Slovenly as his dress was, his mind was more so: with a greater fund of general knowledge than most people, it seemed mixed so inextricably in his brain that it was next to useless. He rarely had any but the smallest cases from the dirtiest of clients, and whilst one of them was being tried would not unfrequently sit in a state of abstraction, out of which an unhappy clerk had to wake him. He possessed, however, much power at times, and great independence. I remember a little scene which will illustrate his habits not incorrectly. A case of his had been called on. He was late, and it was half over before he arrived in court—his clerk in an agony, the chairman grumbling. Of this, however, he took no notice whatever. "Frederick" (to his clerk), "where's my brief?" Loud whisper from Frederick, "I gave it you in at breakfast; feel in your pockets." A search commenced, and having first pulled out of his trousers pocket a half-round of buttered toast, from the depths of it was extracted the single greasy sheet that constituted his instructions.

He was elected by the Court of Common Council to

the small debts court in the City. How he managed the business there I have no means of knowing, but I am certain that he did so in the strictest spirit of justice.

The habits of the metropolis, which I have briefly sketched in the last chapter, furnished a class of business that occupied a considerable portion of time. Although, as I have already mentioned, gambling-houses of every degree were publicly open in many of the West End streets and squares, and although at this period they were not interfered with by the police or other authorities, they were illegal, and liable to indictment, and there was a nest of scoundrels who lived upon them. The great field for their operations was the Middlesex Sessions, and the Grand Jury their hunting ground. Indictments were prepared, and true bills having been obtained, warrants were applied for, and granted as a matter of course. Armed with these, communications were opened with the keepers of the houses, some of whom, being wealthy, did not relish the prospect of twenty-four hours in prison before they would be admitted to bail, which was the first screw put on, and so these pillagers of the public had to submit to be pillaged themselves, and large sums of money were thus obtained. If these proceedings had been confined to the proprietors of such establishments, people would be inclined to say, let the thieves pick each other's pockets; but the trade was too profitable to be limited, and many instances occurred in which perfectly innocent people were made the victims of extortion by these harpies. Mr. Serjeant Adams, when he became chairman, put his foot upon

their operations, by preventing warrants from issuing except under certain restrictions.

One of the worthies, who was a large proprietor of gambling-houses, became the lessee of the Adelphi Theatre, and Charles Phillipps used to relate an anecdote of his once meeting him and being offered a box, which he declined, thinking that some time or other he might be asked in return to defend the generous donor for nothing, and if Mr. Phillipps ever committed an irregularity, it certainly was not of that description. He asked him, however, how he was getting on “Capitally,” said the gentleman; “Providence seems to watch over all my undertakings.”

There was one great field-day held at the Middlesex Sessions, from which every member of the bar had a chance of picking up a guinea or two. This was the day appointed for hearing applications for music and dancing licenses. Unless some complaint was made by the police, those that had previously existed were granted, as a matter of course; but about the new ones there was generally a contest, certain of the justices taking the opportunity of ventilating what they called their ideas. A certain section of these gentlemen, none of them of position or note, opposed the grant to any of the applicants. A homily upon morals, the profanity of music, the indecency of dancing, and the length of ladies' dresses, formed the staple of their orations. Broad views upon what may fairly be deemed an important social question could not be expected from the speakers, and certainly never made their appearance. As far as I have been able to judge, assuming the perfect honesty of their wor-

ships, they betrayed simply a narrow-minded, unreasoning bigotry. One thing may be said of them, that, although their speeches rendered the tribunal ridiculous, they produced no other effect, as the result had been usually secured by a previous canvass. It seems to be time that these matters should be made subject to police regulation: it is manifestly most unjust that the interests of individuals, and the comforts and amusements of the people, should be regulated by the crotchetts of a clique or the favoritism of a majority.

There existed another source of profit to the bar in connection with the magistracy. This arose from applications to local benches for the grant of spirit licenses. Those not in the secret will scarcely believe what a license was worth; and if there was not a considerable amount of jobbery about their disposition, all I can say is that the justices must have been an uncommonly pure body of men. Brewers and builders were the real proprietors of many of the houses applied for—I need hardly say in the names of nominees. I should think that in some cases their value would exceed £3,000 to £4,000. The justices had been to view the premises, elaborate plans were prepared, learned arguments upon the state of the neighbourhood and the necessity for further accommodation were advanced. On the other hand, the publicans already licensed rushed in a body to oppose the grant: there was no traffic, there was no custom, they and their families were starving. It was amusing to look at the rosy countenances of the starving publicans.

The justices, seated round a table in solemn conclave, listened patiently to all that was said. Specta-

cles upon respectable noses assisted in the examination of the plans; the rhetoric of counsel was listened to with kindly attention. The chairman states that it is an important question, and has been so ably argued on both sides that they would like to consider it in private. The room is cleared, every one knows how it is to go, except, perhaps, a confiding client who may have hope from the eloquent address of his advocate. This, however, was a rare phenomenon. The justices return, and announce the decision. I wonder, as Cicero did of the augurs of his day, that they did not burst out laughing in each other's faces.

I need not say that there were many distinguished names amongst the Middlesex magistracy, but the possessors of them rarely, if ever, expressed their views at the great "October meet,"<sup>1</sup> or were to be found at the different local licensing meetings.<sup>2</sup>

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<sup>1</sup> The sessions for the grant and renewal of licenses takes place in this month.

<sup>2</sup> In the chapter in which I have endeavored to sketch the state of the streets of London in the days of my pupilage, I have given them a character for coarseness and indecency, from which it may be inferred that there is now a great improvement. I regret to say that this is far from being the case. Scenes are now nightly enacted in some of the principal thoroughfares of this metropolis that in a future age will scarcely be credited. The coarseness, impurity, and vulgarity of London appear to be massed within these localities.

## CHAPTER IV.

### MY EARLY PERFORMANCES.

IT was at the sessions, of which in my last chapter I have given a brief account, that I made my first forensic display. The occasion was not an important one, nor productive of much profit.

I was instructed by a gentleman named Conquest to apply for the renewal of his license for a theatre called the Garrick, situated in Leman Street, Whitechapel. This place of amusement was within my father's district, who was then a magistrate of the Thames police, and it was probably from this circumstance that so much confidence was reposed in me. I rose, but could see nothing; the court seemed to turn round, and the floor to be sinking. I cannot tell what I asked, but it was graciously granted by the bench.

For this performance I received half a guinea, the sweetest that ever found its way into my pocket. Mr. Conquest, in addition to being the proprietor of this theatre, was a favorite low comedian, and very popular with the denizens of the East. Another great favorite was Mr. Gomersal, who, however, became better known at Astley's Amphitheatre by his impersonation of Napoleon Bonaparte in the drama of the

“Battle of Waterloo.” An additional attraction at the Garrick Theatre was the wife of the proprietor, a very pleasing and pretty actress, and celebrated as a ballet mistress, in which capacity she prepared many successful *artistes* for the stage. Mr. Conquest migrated to the City Road, and for many years managed the Eagle Saloon and Theatre with credit and success. A son of his subsequently conducted it. He also was and is an actor, and now, I believe, delights the audiences of the Surrey Theatre.

My diffidence had somewhat abated, when I was entrusted with a brief by a rather shady attorney of the Jewish persuasion ; and being at that time without experience, I yielded implicitly to his instructions. A young gentleman of the same faith was called as a witness. My client suggested a question. Blindly I put it, and was met by a direct negative. “What a lie !” ejaculated my client, and dictated another question : the same result followed, and a similar ejaculation. By his further instruction I put a third, the answer to which completely knocked us over. My client threw himself back : “Well,” said he, “he is a liar, he always was a liar, and always will be a liar.” “Why,” remarked I, “you seem to know all about him.” “Of course I do,” was the reply, “he is my own son !”

Nothing struck me in my early days as more odd than the number of different surnames in which the same family of Jews seem to delight. One son of Mr. Saul Yales, of St. Mary Axe, was Mr. Sidney, another Mr. Daniel, while a third rejoiced in the appellation of Jacobs. I forget by what names my client and his hopeful progeny were known.

A gentleman of the name of Const presided as chairman of the sessions when I joined them. He was a friend of my father, and I received from him all the encouragement he could give me. Messrs. Charles Phillipps and William Clarkson, to both of whom I shall have again to refer, did the principal criminal business, and looked with no friendly glances upon newcomers. Their greediness for fees was an opprobrium to the court. Wrangles constantly occurred, in which all sense of shame seemed to be abandoned. The latter of the gentlemen I have named was under great obligations to my father, but from neither of them did I ever receive an act of kindness, or until I had forced my own way, barely of courtesy.

I may here mention a circumstance in which I was the innocent cause of a sad catastrophe that happened to two of my clients. These were west-country farmers, who had been convicted of cruelty to animals, and had appealed from the conviction to the sessions. The question raised was as to the mode of conveying calves to market. Upon the day when the case should have been heard, I obtained a postponement to suit my convenience, and it came on the following week, when my clients were completely exonerated and the conviction was quashed.

They were returning home the same afternoon by the Great Western Railway, when a boiler burst. A mass of iron was projected into the air and fell upon the carriage in which they were seated, alighting between the two and killing them both.

Although the state of the streets was greatly improved by the institution of the new police, the gam-

bling establishments still flourished. Leicester Square, the Quadrant, Bennett Street, Bury Street, and Duke Street were full of them. No concealment was affected. They were open to all comers, who were at some of them ushered in by powdered footmen. I learned a great deal of the proceedings of these establishments from cases in which I was engaged at different times, for and against the proprietors, and I believe that in most of these hells the chances of gain were assisted by flagrant trickery. At some of the principal—those, for instance, in Bennett Street—the decorations of the rooms were very elegant. Perfect quiet and decorum were observed by the players, who were generally of the better class.

The principal game played was hazard, of which there were two kinds: French hazard, in which the players staked against the bank, and English, or chicken hazard, in which they played against each other, with a settled profit to the proprietors. I fancy this mode of gambling was not so much exposed to fraud.

I do not think that *rouge et noir* was played anywhere. Roulette, which afforded abundant means of chicanery, was to be found at all the lower description of houses, and a game which now seems to be extinct, called "*une, deux et cinque*." This was played in a sort of basin lined with velvet, and a ball about the size of a cricket ball, with colors, red, black, and blue, as far as I can remember, stamped upon it. I cannot recollect how the game was played, but I was told that it was a fruitful means of cheating. With one example of the mode of procedure at roulette, through the medium of an accomplice, I became ac-

quainted professionally. Most of my readers have seen a roulette table, and are aware that there are upon it thirty-six numbers, separated from each other by small divisions, and that the players stake upon different numbers. I need not recapitulate the way in which many unwary people were inveigled into these places. A class of gentry called "bonnets" were actively engaged in this employment; but when it was thought that a good thing was on, the proprietor would say out loud, "We may as well be quiet: put up the bars." The intended victim supposed this to mean that other people should be shut out, but the accomplice took it as a direction to manipulate the table by raising, which was done by machinery, an almost imperceptible obstruction before any number which would have secured to the player a large stake. I was informed that most of the tables were so constructed as to render this a very easy process. The profits made must have been enormous.

The places, however, at which gambling might be witnessed in all its magnitude, were the different race-courses. There might be seen a range of booths, extending from the grand stand to the end of the course, in all of which play in its various forms, and at prices adapted to all classes, openly flourished.

I have read that during the gold fever there was not sufficient accommodation for the influx of diggers within Melbourne, and that a quantity of tents were erected outside the city. This was known as the canvas town. The same term might have been applied to the booths I have described, whilst greed of gold was the distinctive emblem of both.

It was at one of these establishments that a person was pointed out to me who afterwards became famous. He was a handsome-looking man, with strongly-marked Jewish features, and altogether not unprepossessing. This was Mr. Goodman, or Goody Levi, as he was usually called, twelve years afterwards the hero of the Running Rein fraud. It may be remembered that he substituted a four-year old horse called *Maccabæus* for *Running Rein*, and won the Derby with it. The fraud was discovered, and upon a trial in the Court of Exchequer, before Baron Alderson, fully exposed ; that learned judge, who was not wont to conceal his opinions, observing that if gentlemen would condescend to race with blackguards they must expect to be cheated.

I noticed several well-known characters who were patronizing Mr. Goodman's, men who, when I was young, were well-known upon town. They were all engaged in play : Count d'Orsay, the dandy of the age, Lord Cantelupe, the Earl of Chesterfield, and many others, whom I have now forgotten, and upon whom I then looked with wonder and admiration.

The altar, however, at which the greatest sacrifices were made, and which reared its head above all rivals of a similar class, was that of which Mr. Crockford was the proprietor, and which went by his name. This was no mean refuge for every-day gamblers ; it was constituted as a club, and confined to members. It presented an imposing front on the upper part of the west side of St. James's Street. It is now, with little external alteration, the Devonshire Club. Personally I knew nothing of it, but heard romances of play related as

having occurred within its precincts, of enormous sums changing hands, and of much sorrow and desolation invading many a family. Tales almost fabulous were related of its splendor, the luxuries that accompanied it, and of course its orgies. I have always, however, heard that no suspicion of actual unfair play was entertained. The proprietor was himself a very large speculator upon the turf, and a story was told in connection with his death, which, even if not true, shows the opinion that was entertained of the play fraternity of that day. It was said that he was very largely interested in a certain race, and that others following his lead had backed a particular horse that was considered likely to win. It is well known in the sporting world that if the maker of any bets dies before the event betted upon is determined the wagers are off. Mr. Crockford had been very ill, and much anxiety was felt by the parties interested in the event. The horse won; but before the race the great speculator had passed into another sphere. Those around him are said to have kept this secret, and having learned by means of carrier pigeons the result of the race, had supported his dead body in front of one of the windows in St. James's Street, so that it might be seen by the people returning from the course. This may be a fable founded upon the character of the persons concerned. It was generally believed, or, at all events, was generally asserted.

I heard from one of my disreputable acquaintances another curious story in connection with the gambling sets, and about the truth of this I entertain very little doubt. Names were given to me, and circumstances

related that strongly confirmed it: one or two of the persons are still living. There were letter carriers employed by the Post Office, who, being in the pay of certain professional betting men, regularly furnished them with information obtained from the letters of well-known turfites, which they were in the habit of opening. In those days envelopes were rarely used, and letters written upon a sheet of paper were folded and sealed; by means of a kind of hook the sides were extracted, and the contents could be deciphered with tolerable accuracy.

He told me of one instance, giving me all the names of the parties engaged. A person of very high position was the owner of a horse, which he had entered for a handicap race, and contrived by previous public trials of his speed to convey an inferior notion of the animal's powers, with a view to secure its being lightly weighted. This he communicated to people in his confidence, so that it might be backed at long odds; but the same knowledge having been previously obtained through the medium of the postman, the market had been used up, and his device, which was successful, turned to the profit of other more skillful but not greater rogues.

A man of middle age and middle height, clad in top boots and buckskin breeches, might on most Mondays and Thursdays be seen wending his way down Piccadilly. His goal was Tattersall's. This was Jem Bland, one of the greatest operators upon the turf. He could neither read nor write; he was ready, however, to make any number of bets, no matter of what amount. He could enter no memoranda, and no one entered

any for him. But he had a most surprising memory, and upon returning to his house he dictated the list of his bets, with unfailing accuracy, to a lady connected with his establishment.

She also read all the letters addressed to him, and thus obtained a considerable amount of private information of turf doings. This, he discovered, she was in the habit of imparting to some of her favorite acquaintances. He was fully equal to the occasion. A great race was about to be run—I think The Colonel and Zingaree were the competitors. He conveyed to his fair friend a batch of false reports, the circulation of which enabled him to make a very good book, and after that he changed his amanuensis.

In one of the most foul haunts of the metropolis there used to congregate many men of exalted rank, and (with the exception, of course, of the clergy) of all professions, with them mixed evil-looking keepers of low gaming, and, probably, of other houses, betting men, prize fighters, and bullies. After the saloons of the patent theatres had disgorged their contents, those who had not met with friends found their way to this den. Unlimited drink pervaded the establishment. It was known as the Piccadilly Saloon, and occupied part of the site of the present Criterion Theatre. I had not the means, and I hope not the taste, to join in the orgies that went on; but I have upon two or three occasions visited the place, and have a lively recollection of the scenes enacted. No play, it is true, went on overtly; but there were harpies on the look-out for the unwary, whom they inveigled to neighboring slums, and there drugged, robbed, and perchance murdered them.

I could name many of those who, I believe, nightly frequented this pandemonium, but it would serve no useful purpose. There were, however, two, both public characters, whom I saw upon the few occasions I was there; and who particularly attracted my notice. One was Sam Chifney, the well-known jockey of George IV.; the other was a police magistrate, who presided at a court in the north-west district, and who, I was told, frequently left the saloon only in time to administer justice to the drunken and profligate who came within his jurisdiction.

One night, or rather the early morning, later in date than the period to which I have hitherto been referring, a group of six men were congregated at one of the tables. I was not present, and it is from the relation of a spectator that I have gathered the following particulars. With one of the party I had a slight acquaintance, having met him at the Cider Cellars and Evans's. He was a gentleman-like, unpresuming, and inoffensive young man. This was a person of the name of Mirfin. His position was that of a linen-draper, or assistant to one, in Tottenham Court Road. He and a man named Elliott, whom I understood to be a retired Indian officer, got into a squabble. Mirfin had been drinking, and scarcely knew what he was about. Suddenly the party rose and left the room. It seems that they obtained pistols, and the whole six, occupying two hackney coaches, drove to Wimbledon Common, and there a sad combination of farce and tragedy was performed. Poor Mirfin was put up and fired at by Elliott, an expert shot. Probably Mirfin himself had never handled anything more dangerous than a

yard measure. The first shot went through his hat. He was plucky enough, however, for again he stood up to be fired at, and Elliott succeeded in murdering him.

The affair, from the brutality and ridicule that accompanied it, the circumstances that led to it, and the place in which the quarrel occurred, gave a finishing stroke to an institution already tottering; and the assassins who, through the false shame of men of honor, were able to pursue a system of terrorism, are now infamies of a past generation in this country. In a neighboring one the practice fortunately appears to be verging on the confines of burlesque.

## CHAPTER V.

### CHOICE OF CIRCUIT.

IN former chapters I have brought my readers to the period when it was necessary to choose my course of proceeding in the legal struggle I was about to commence, and my interests as well as my finances pointed to the metropolitan and adjacent districts. Accordingly, I joined the Middlesex Sessions, of which tribunal I have already given some description, being introduced by a gentleman named Alley, a leader of the bar. Subsequently I joined the Central Criminal Court, and almost as a consequence fixed upon the Home Circuit, which consisted of Hertfordshire, Essex, Sussex, Kent and Surrey. In choosing a circuit, a barrister, with certain exceptions, is bound by his first choice, and it ought to be made with grave deliberation. When I was called there were no railways. We were not allowed to use public conveyances or live at hotels. The leaders generally traveled, accompanied by their clerks, in their own carriages, the juniors two or three together, in dilapidated post-chaises. It was customary for the judges to enter the town before the bar, and, as it is called, open the

commission, after which they adjourned to church, affording a grand opportunity to the sheriff's chaplain, usually a very young man, to enforce upon them their duties as citizens and judges. During this ceremony the carriages came rattling in, lodgings were engaged, the juniors, two or three of them, sometimes more, occupying one sitting-room. The attorneys were to be seen hurrying with the briefs destined for their fortunate recipients, witnesses lounged about the bars of the public-houses, and the juniors wandered up and down the street wondering what they should do with themselves, and whether a good time was coming.

The next morning (the commission was usually opened on a Monday) the real business of the assizes began. A flourish of trumpets, not necessarily in harmony, announced that His Majesty's judges would take their seats in half an hour, another flourish that they had done so: one in the Crown Court, the other in the Civil. The former court is the great object of attraction. A real judge is a sight to see; he is clad in scarlet; the High Sheriff, in a mysterious costume, sits beside him; solemnity is given to the scene by the presence of a parson. It is said that even the criminal is elated by a sense of the dignity of his position, so different from being tried by Squire Jones in his blue coat and drab trousers. I suspect, however, that the fact that the judge will not take into consideration his being a notorious poacher is in reality the cause of his satisfaction. His lordship, in charging the grand jury, probably congratulates them upon something, and remits them to perform the not

very arduous duties of indorsing their own previous committals, that tribunal being principally composed of the magistrates of the county. The trials are then proceeded with, and disposed of with impartiality and decorum.

The criminal courts of the assizes give the junior members of the bar an opportunity of ventilating their powers, and they almost invariably receive assistance and encouragement from the judges. The feeling thus early engendered produces through a subsequent professional career the kindly intercourse that exists between bench and bar, in no respect derogating from the dignity of the former or the independence of the latter.

I remember the great French advocate, M. Berryer, remarking upon this trait of the profession in our country with some surprise, but with warm admiration.

In the meanwhile the business in the Civil Court has commenced. There is a kind of interlude of undefended causes. The court is densely crowded by barristers, who, during the charge to the grand jury, are excluded from the Crown Court, lest they should hear what the judge says, and take a hint from it. Of course if there is anything useful to know, the solicitors, who are not excluded, repeat it. This is an old-fashioned absurdity, which ought to be abolished.

A cause is called on. The acceptance to a bill of exchange not contested has to be proved. A voice is heard from the middle of the crowd enunciating with difficulty, "May it please your lordship——" "Pray

speak out," says the judge. The counsel almost collapses, but, struggling and panting, at last succeeds in giving the necessary proof, and so a number of cases are disposed of, and the real business of the Civil Court commences. The leaders have taken their seats, exchanged bows with the judges, nodded to each other, and the stereotyped dialogue ensues between the judge and leader, "On what day, Mr. —, will it be convenient to take special juries?" "The bar is at your lordship's disposal." "What do you say to Thursday?" "It will suit admirably." "Thursday be it then. Mr. Sheriff, let the special juries be summoned for Thursday next." And now horses are off, and the day is exhausted upon the trial of usually trifling causes. The adjournment at last arrives. The former opponents walk to their lodgings, chatting gayly together; and the juniors rejoice that the time has come when all meet at a dinner, where good-humor and thorough cordiality between the highest and the lowest in the professional scale usually reign. I will not run the risk of wearying my readers with any long description of the mess, but I think that I may mention, to the credit of its members, that no personal jokes prevailed, and, though laughter was often excited at the expense of one or other of the members, it was thoroughly good-humored. Officers were elected. An Attorney and Solicitor-General brought offenders to justice. One offense was, going special to another circuit. It was one of gravity, and an exemplary fine was imposed. Getting married was passed over with a simple admonition, upon the ground that it carried its own punishment with it.

There was a poet laureate, and sometimes the verses composed were amusing, and, if personal, without bitterness. Mr. Arnold, afterwards a judge in India, filled at one time this office with much credit. He was an accomplished poet as well as a lawyer.

One of the means of extracting fun was making the criminal address the mess in aggravation of his offense. And I must here mention a gentleman who will not appear in any of my strictly legal recollections, but whose memory will always be regarded by members of the profession, especially those on the Home Circuit, with respect and affection.

John Locke, member for Southwark, now no more, was the very soul of the circuit table; his speeches elicited roars of laughter. I have often endeavored to explain to myself in what particular attribute his humor consisted, but it was as little to be defined as it was impossible to resist. I have only met one instance of a somewhat parallel character. This was in another valued friend, now also passed away, the late Mr. Sothern. In "Lord Dundreary" he created, by means especially his own, the most uncontrollable laughter, and the same mystery, as in the case of John Locke, enveloped the cause.

The apparently utter confusion of mind, the striving vainly to get hold of the threads of a subject, the look of vacancy attending the failure, and the solemn attempt to resume the struggle, were features common to both. I recall these gentlemen as having furnished many of the most amusing hours of my life, and join with all their friends in mourning over their departure.

One other institution I must not omit to mention—

the dinner given by the judges to the bar, at which young and old were kindly received. A custom, now extinct, then existed of each guest giving the judge's servants two shillings. This gave rise to the entertainment being profanely called a two-shilling ordinary. As trumpets initiated the assizes, so they celebrated their termination. The rickety post-chaises were again called into requisition, and in another town the judges underwent the same trumpeting, and with their last blast each town was left to slumber in its pristine dullness.

When I joined the circuit Mr. Serjeant Spankie and Mr. Serjeant Andrews were in a partial lead. The former had held high office in India. I scarcely remember him. The latter was possessed of a very solemn appearance.

There were two members who both gave great promise, and were looked upon as the future leaders. one was Mr. Turton, who closed his career in this country by accepting an appointment in Calcutta; the other, a Mr. Broderic, who succumbed prematurely to ill health.<sup>1</sup> These events left a splendid opening for Mr. Thesiger, who ultimately shared the lead with Mr. Platt. As is known, the former passed through the offices of Solicitor and Attorney-General, and ultimately became Chancellor during Lord Derby's administration. He received this post whilst conducting the prosecution of the British Bank directors, in which I was associated with him, and I may say that

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<sup>1</sup> I have no personal recollection of either of these gentlemen, but my father, who remembered them both, has described the former to me as possessing all the qualities of an accomplished advocate, and the latter as a most acute and learned lawyer.

I never heard a finer effort than his opening of the lengthy and complicated facts of that cause. He was very painstaking and industrious. His appearance was greatly in his favor—tall, with well-marked and handsome features; his manner was slightly artificial, and his jokes, of which he was fond, were somewhat labored. He had been when a boy in the navy, and was, I have heard, in one of Nelson's engagements. When called to the bar he joined the Surrey Sessions, where he soon was deservedly held in high favor, and selected the Home for his circuit. I do not think he was very popular when he became a leader. He was accused of favoritism in giving references, and was surrounded by a clique who received them.<sup>1</sup> As an advocate he was successful with special juries, but Platt beat him before common ones. He was eminently correct in his demeanor, and set an excellent example to the bar by his regular attendance at the Temple Church. When Chancellor he refused Serjeant Parry and myself, both of us in good business, patents of precedence, upon the ground that he had fully made up his mind never to confer that rank upon a serjeant. He afterwards, very properly but very inconsistently, conferred it upon Serjeant Simon and Serjeant Sargood. A great scandal was created by his appointing a near connection of his own Master in Chancery. This office was intended for lawyers of standing and experience, and the gentleman in question was only nominally a barrister, and held a clerkship in some public office, and, although possessing

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<sup>1</sup> The selection of junior members of the bar to arbitrate becomes very invidious when a leader selects only his own personal friends.

very high qualifications, certainly did not come within the intention of the statute creating the office. Mr. Disraeli, shocked at what had the appearance of a job, declined to defend it in the House of Commons. The gentleman selected instantly sent in his resignation, and Lord Chelmsford then appointed Samuel Warren, himself little better than a lunatic, although a clever one.

Warren was, at the time, in the House of Commons, and pronounced a sort of funeral oration upon himself when leaving it, which was listened to with more patience and apparent satisfaction than any of his former speeches. When Mr. Disraeli reformed the Conservative Government he left out Lord Chelmsford, and appointed Lord Cairns to fill the office of Chancellor. One of this nobleman's acts was to raise Alfred Thesiger, a son of Lord Chelmsford, to the post of Lord Justice. The appointment was considered premature; but every one who knew Mr. Thesiger felt that his legal knowledge and indefatigable industry warranted the selection, whilst his unvarying courtesy and real kindness of heart disarmed unkind comments, and his early death caused universal regret in the profession and to all who knew him. I cannot forbear offering a personal tribute to his memory. He has been with me and against me in several cases; most pleasantly we got on together, and the friendliness which I believe existed between us was by no means diminished by his promotion. I know of no one for whom I felt a more sincere regard.

During the period that I was what was humorously called reading at Watson's, my parents were still at

Hampstead, and I became acquainted with a family who, from their connections and associations, were, as well as in themselves, extremely interesting. They consisted of grandmother, daughter, and grandson. The eldest of the three was Mrs. Denman, widow of the eminent physician; the second lady was her daughter, also a widow. Her husband was the celebrated Sir Thomas Croft. It is well known that the young and popular Princess Charlotte died whilst under his care. Much bitterness existed at that time against her father, and calumnies extended very unjustly to his physicians. Sir Thomas was very sensitive, and his mind gave way under the pain inflicted. Sir Thomas Croft, their son, who had been in the Guards and fought at Waterloo, was frequently of the party, and it was through my acquaintanceship with them that I first knew Sir Thomas Denman, the son of Mrs. Denman, Lady Croft's brother and uncle of Sir Thomas. He was then Attorney-General, and came frequently to see his relatives, and through the length and breadth of the land a more truly affectionate and happy family never existed.

It is impossible for memory to dwell upon a more noble figure than that of the mother of the future Lord Chief Justice. Her features were strongly marked, and greatly resembled his when he had arrived at a later period of his life. They lived upon Heath Mount, where I was frequently received by them. Mrs. Denman was very fond of whist, and would play three or four rubbers without apparent fatigue.<sup>1</sup> The party consisted of the three I have al-

<sup>1</sup> At this period long whist was always played, and I imagine that old

ready mentioned and myself. I think I remember Miss Joanna Baillie on one occasion joining the tea-table. They were all most kind to me, and, independent of the boon they conferred by making me known to the future Chief Justice, I shall always feel that their society was one of the most agreeable incidents of my life.

As I only profess to give my own experiences, and leave history to deal with general events, I have but little to record relating to Lord Denman's career. Every one has heard of the noble stand he made in defense of Queen Caroline, and it speaks well for William IV., upon whom during the trial he made a bitter attack, that it was by his appointment that he became Lord Chief Justice. Whilst he filled that office my practice was confined principally to the criminal courts, and consequently, except upon the occasions when he presided at those tribunals, I had no opportunity of observing him. His manner was uniformly gracious and kindly, and his demeanor dignified. Cruelty, or oppression of any kind, would elicit from him occasional bursts of indignation, but in his administration of criminal justice he never forgot the natural frailty of human nature.

One personal incident, having an important bearing upon my career, I may be permitted to mention. I had been just four years at the bar, and neither my prospects nor finances were flourishing. The spring assizes were going on at Maidstone, when one of the boatmen attached to the Thames Police called on me,

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fashioned people thought there was profanity in the change that at this time was only darkly hinted at.

in great distress. His mother was in grievous trouble. She had committed some small offense, and was to be tried before Lord Denman. At the poor fellow's entreaty I defended her, and she was acquitted. At the judges' dinner, afterwards, Lord Denman, shaking hands with me, said, "You did that case very well, but it was the witnesses to character got the woman off." He alluded also to the meetings at his mother's of which I have made mention. On the summer assizes following he was also the judge, and I applied to him for a revising barristership. There was only one vacancy, which he gave to a Mr. Kennedy. I happened, in somewhat disconsolate mood, to go into the court as it was rising, and caught his eye. As I heard afterwards, after seeing me, he sent for Montague Chambers, who held a revising appointment, and asked him if his position upon circuit was not such that he might dispense with it. That gentleman at once placed it at Lord Denman's disposal, and he sent it to me. The remuneration was not large, but at that time it was vitally serviceable. I held the appointment for four years, when the number was diminished, and those last appointed were excluded. My colleague upon this occasion was Mr. Shee, afterwards a judge of the Queen's Bench.

I am sure the members of my profession will excuse me for saying a few words on Chambers, and I believe all will join me in the tribute that this opportunity gives me of paying, to one who not only served me on that occasion, but with whom I have always remained on terms of friendship. Originally in the Guards, he doffed the scarlet at the call of duty

and affection, became an assiduous worker, a successful advocate, and leader of the Home Circuit, and no man ever attained position who, by strict honor, fairness, and integrity, deserved it better. I am glad to say that, although he has retired from the profession, I still meet him at a club to which we both belong ; and whilst he has not reaped the highest honors, he is always contented and in good spirits, and not altogether unwilling to furnish his numerous friends with some of the anecdotes of his career.

## CHAPTER VI.

### THE THAMES POLICE COURT.

AT the time I was called to the bar my father was a magistrate, and was residing at the official residence of the Thames Police, then situated at Wapping, on the river bank, opposite to what was called Execution Dock, where, but shortly before, it was the custom to hang pirates in chains. He had for a colleague an old sea captain of the name of Richbell. It was thought, in those days, that the experiences of navigating a ship on the sea would be a good preparation for administering the law in connection with the river. At this office there was a staff of police under the control of the magistrate, and the river was patrolled by this force. I was accustomed to accompany them day and night. They saved my limited resources the expense of cabs; and many is the chase I have joined in of suspicious wherries, and sometimes a scamper, not unattended with danger, upon shore, when the officers were in the performance of their duties. I believe them to have been an admirable body of men, joining discipline with much of the knowledge possessed by the old Bow-Street runners; and it was to one of these men that I was indebted

for the brief that, as I have already mentioned, brought me to the attention of Lord Denman.

A Mr. Broderip became colleague with my father upon the decease of Captain Richbell. A barrister, a good lawyer, and refined gentleman, he was a fellow of the Zoological Society, and took great delight in the inmates of the Gardens. I cannot refrain from mentioning an anecdote that occurred many years after, when he had been transplanted to the Marylebone Police Court. I was then in some criminal practice, and appeared before him for a client who was suggested to be the father of an infant, and about which there was an inquiry. Mr. Broderip very patiently heard the evidence, and, notwithstanding my endeavors, determined the case against my client. Afterwards, calling me to him, he was pleased to say, "You made a very good speech, and I was inclined to decide in your favor, but you know I am a bit of a naturalist, and while you were speaking I was comparing the child with your client, and there could be no mistake, the likeness was most striking." "Why, good heavens!" said I, "my client was not in court. The person you saw was the attorney's clerk." And such truly was the case.

My father afterwards took a house in Cadogan Place, where he died. I remember the late Charles Mathews canvassing him for his vote for the appointment of district surveyor at Bow. He obtained it, and also the place. Fancy one of the brightest of mortals amongst the chimney-pots of Bow! He did not long remain in this uncongenial sphere; and I remember shortly after, in company with a large party,

consisting of Adolphus and others, old and fast friends of his father, seeing him make his first appearance at the Olympic Theatre in the farce of "Old and Young Stagers," inaugurating the brilliant career which, to the sorrow of all acquainted with him, has recently terminated.

Mr. Const, who, as I have already mentioned, presided at the Middlesex Sessions when I joined them, occupied a house at the eastern corner of Clarges Street, in Piccadilly. He kept an open table for his intimate friends who were in the habit of notifying their intention to dine—within a certain number and up to a given hour of the day. My father was one of the privileged—and I was frequently received at these parties, where I met very pleasant people—amongst others, William Dunn, "Billy Dunn," treasurer of Drury Lane Theatre, and sometimes departed, after a hospitable dinner, with tickets in my pocket for Old Drury, no small boon to a pocket that did not contain much cash.

Sir Frederick Roe was also a constant and very welcome visitor. I believe that he succeeded Sir Robert Baker as chief magistrate at Bow Street. He was a tall, handsome, gentlemanly man, who had the reputation of having enjoyed life in many phases. He succeeded to a large fortune, and retired from the bench. I remember my father congratulating him upon his accession to wealth. "Ah!" said he, with a deep sigh, "it has come too late."

A very different style of magistrate was Mr. Laing, whom I also frequently met. I never saw him without thinking of a shrivelled crab apple. In the story

of "Oliver Twist" Charles Dickens caricatured him under the name of Fang.

A reverend gentleman complained of him to the Home Office. I fancy he had exhibited some irritability of temper in a case before him, and the authorities were not sorry to follow the lead of a popular author, and dismissed him. His accuser was shortly afterwards convicted of stealing a silver spoon at a charity dinner at which he presided.

Mr. Laing, notwithstanding an unfortunate temper, was a thoroughly honorable gentleman, a good lawyer, and accomplished scholar, very precise in his dress, but, as I have said, very sour looking. Every day of his life he might be seen at the same hour wending his way to the Athenæum Club, where he always dined.

I do not think that glibness and self-confidence exhibited early in court are a good augury for ultimate success. No one, until he has measured himself with others, has a right to form a high opinion of himself. It is true that after a young barrister has ejaculated with difficulty a few incoherent words, he sits down with a parched throat, and a sort of sickening feeling that he will never succeed; but the most successful of advocates have experienced these sensations, and to this day I believe that many rise to conduct cases of importance with some of their old emotions. In a former chapter I have described my sensations when first I was called upon to address the court, and it was long before I could do so with any amount of confidence.

Although in the legal scale criminal courts and crimi-

nal trials do not hold the first places, they are of far more importance in the eyes of the general public than those tribunals and elaborate investigations by which the greatest reputations and highest rewards are obtained, and the Crown courts ought to be presided over by men who can command and enforce respect. Such certainly was not the rule when, in natural connection with the Middlesex Sessions, I first joined the bar at the Central Criminal Court; and there can be no doubt that the mode in which business was conducted in that tribunal made it a term of opprobrium to be called an Old Bailey barrister. Except in very grave cases, the business was presided over by judges appointed by the City. A canvass amongst a parcel of by no means the highest class of tradesmen, who were quite incompetent to form a judgment, obtained for candidates the places of Common Serjeant and Commissioner, the Recorder being appointed by the Court of Aldermen. The sittings of the court commenced at nine o'clock in the morning, and continued until nine at night. There were relays of judges. Two luxurious dinners were provided, one at three o'clock, the other at five. The Ordinary of Newgate dined at both. The scenes in the evening may be imagined, the actors in them having generally dined at the first dinner. There was much genial hospitality exercised towards the bar, and the junior members were given frequent opportunities of meeting the judges and other people of position; but one cannot but look back with a feeling of disgust to the mode in which eating and drinking, transporting and hanging, were shuffled together.

The City judges rushing from the table to take their seats upon the bench, the leading counsel scurrying after them, the jokes of the table scarcely out of their lips, and the amount of wine drunk, not rendered less apparent from having been drunk quickly—this is now all changed. The early dinners and evening sittings have been interred with other barbarisms, and the hours are the same as in the civil courts. At the period I am speaking of, Mr. Cotton was the Ordinary—not easily to be forgotten, somewhat tall, very portly. His rubicund visage betokened the enjoyment of the good things of this life. He was most punctual in his attendance at both dinners, and never affronted the company by abstinence at either. He possessed a sort of dry humor, and I fancy was popular in the City. I had no opportunity of learning whether he performed the very different offices connected with his appointment with the same success that he did his prandial ones. One of the jokes recorded of him has often been repeated. It was part of his duty to say grace, including in it a prayer for the principal officials. "Why," he was asked, "do you not name the under-sheriffs?" "I only pray for great sinners," was his reply.

The Honorable Charles Ewan Law, whom I have already mentioned, was the Recorder: dignified in manner before dinner always, and merciful, pompous, and disagreeable, he possessed ability quite equal to the necessities of his office. I remember an amusing incident connected with him. On one occasion, after dinner, he overturned his tray of coffee, which was resting upon the bench. He said not a word. The

same jury sat the next morning. He had some coffee brought in—quite an unusual thing at that hour. Somehow it went over, to the great discomfiture of the Clerk of Arraigns, who sat underneath. Turning to the jury, he said: "Gentlemen, I have constantly begged that the desk should be made broader. I met with the same accident on another occasion." Mirehouse, the Common Serjeant, always called Taffy, was a hot-headed Welshman, good-humored and kindly enough. He turned the court into a low-comedy theatre. Arabin, the Commissioner, a shrewd, quaint little man, enunciated absurdities with most perfect innocence.

"I assure you, gentlemen," he said one day to a jury, speaking of the inhabitants of Uxbridge, "they will steal the very teeth out of your mouth as you walk through the streets. *I know it from experience.*" It ought to be mentioned, to the credit of the Corporation, that it had upon a former occasion elected Mr. Denman as Common Serjeant,<sup>1</sup> and the most pleasant years I passed in the court were during the time that the Honorable James Stuart Wortley was Recorder. This gentleman was an excellent judge, and extremely popular with everybody.<sup>2</sup>

On a morning in October, 1834, I was entertained at breakfast in the Regent's Park. A tall, gaunt old gentleman was my host. Afterwards I was taken down in a most respectable family coach to the Sessions House, Clerkenwell Green, and there introduced to my future companions at the bar. Mr. Alley,

<sup>1</sup> This was before my time.

<sup>2</sup> He afterwards became Solicitor-General, and was succeeded by Mr. Gurney.

as I have before mentioned, one of its oldest members, performed this kindly office. He had had formerly a large business in the criminal courts, sharing it mainly with Mr. Adolphus; but both these gentlemen were now succumbing to the inroads of younger men, Charles Phillipps and Clarkson, with Bodkin bringing up the rear, getting the cream of the business. Peter Alley was an Irishman; he had the reputation of being a good criminal lawyer, and although his manners were rough, his feelings were those of a gentleman. He was most hospitable and kind. I have already mentioned a well-known tavern called the London Coffee House. It still exists, but its character is changed. Then it was frequented by merchants and City men of position, and during the sittings of the Central Court, Alley used to dine there often, and invited from time to time members of the bar, to whom the dinner was both an object and a compliment. I was many a time his guest. He and Adolphus had numerous quarrels, one of which led to the oft-recorded duel on the Calais Sands. I have heard a story in connection with it which is rather amusing. I imagine that neither of them wanted to fight; but after one of these disputes, Adolphus sent a letter of the most insulting character to Alley's house. He might have addressed it to his chambers. By accident, of course, Peter left the letter on the table, where Mrs. Alley found it, and, naturally, also read it. Alley blamed his carelessness bitterly; but his wife, having true Hibernian blood in her veins, holding the missive in her hands, exclaimed, "Peter, much as I love you, I would sooner see you brought

home on a stretcher than submit to such an insult." The two fought, and one, I forget which, shot off a part of the other's ear. They were both very proud of the exploit, and, with a few growls, remained afterwards tolerable friends. Let me say a few words of Adolphus. He was nearly a great man, and but for an unfortunate temper would probably have risen to the highest honors of the profession. He was a lucid and impressive speaker, and possessed a singularly logical mind. A fair judgment may be formed of his powers by reading a speech he made upon the Cato Street conspiracy case, in which he greatly distinguished himself.

He was called to the bar at a comparatively late stage of life, and, although occasionally engaged in civil causes, remained almost to the day of his death a practitioner in the criminal courts. During some portion of the period when he was in practice, Tenterden, a morose judge, who was supposed to be much under the influence of Sir James Scarlett, was Chief Justice of the Queen's Bench.

Sir James upon one occasion, how provoked I do not know, said, "Mr. Adolphus, we are not at the Old Bailey." "No," was the response, "for there the judge presides and not the counsel."<sup>1</sup> When I first knew Adolphus he had attained an advanced age, and it was sad to witness the wreck he had become; sad to think of a life so wasted, of great abilities so cast away. There was little generosity shown him by those who were at this time doing the principal business; and

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<sup>1</sup> Since writing the above, I have met the anecdote differently worded in Campbell's *Lives of the Chief Justices*.

pygmies to him in intellect were enabled, through his unhappy irritability, to drive him almost to madness.<sup>1</sup> Whilst referring to his temper, I am pleased to record that to his juniors and his inferiors it was never exhibited. To them he was unvaryingly considerate and kind ; and I must also mention that he had been for years a sufferer from a painful disease, which he bore with the greatest patience and magnanimity. He lived in Gower Street, where he gave frequent parties, which were very popular, mainly through the accomplishments of his daughter and daughter-in-law, the wife of his only son, John Leycester Adolphus, afterwards a county court judge. He himself was a thoroughgoing Tory, and wrote a history of George III. through Tory glasses, and when he died, an affectionate father and sincere friend passed away.

Mr. Charles Phillipps was a curious compound of intellectual strength and weakness. He was master of undoubted genius, and power of speech amounting at times to eloquence, but was deficient in moral courage and self-reliance. He was an Irishman by birth, and his face and figure were greatly in his favor—tall, with well-formed and expressive features, and a musical voice. He had commenced his career on the Munster Circuit, where he produced a great impression upon juries more impulsive than those he had to address in England. Several specimens are given of his style by a gentleman who has written some very amusing articles in a magazine which until lately was called the “Dublin University.” He was still young when he came over to this country, and, somewhat

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<sup>1</sup> These observations do not include Mr. Bodkin.

inflated by the praises he had obtained, imagined himself to possess all the attributes, instead of only the more superficial ones, of a great orator. Wanting in discretion, when before a tribunal of which he had no experience, he laid himself open to a merciless attack at the hands of Brougham in one of the first cases in which he appeared in the Court of Queen's Bench. He collapsed under the punishment, and rarely appeared afterwards in any of the civil courts. A romantic incident occurred at the commencement of his residence in this country, in the shape of a love-affair with a very beautiful girl, whom he subsequently married, and a duel with an unsuccessful rival.

When I commenced my career he was signally the prisoners' counsel at the Old Bailey, the Middlesex Sessions, and also upon the Oxford Circuit. In this capacity he was certainly at that time unrivaled. He had great readiness, a power of repartee, earnestness when it was required; and whatever deficiency he may have shown in his earlier career, he had acquired a very sound judgment. He was never dull, and the juries liked him. I remember upon one occasion, in the robing room, when poor Adolphus, in a state of irritation, and when his business had nearly all fallen into the hands of Phillipps, said to that gentleman: "You remind me of three B's—Blarney, Bully, and Bluster;" "Ah!" said Phillipps, "you never complained of my B's until they began to suck your honey."

I may here mention an incident that occurred in connection with the trial in which Brougham and Phillipps were opposed, and which I believe to be

perfectly true. A friend of the latter gentleman, of the name of MacDowell, was a reporter upon the staff of the "Times" newspaper, and it fell to his lot to report his friend's speech. The reply of Brougham came within the province of another gentleman. MacDowell wished his associate to leave out some of the more stinging passages, but he would not be persuaded to swerve from his duty. MacDowell contrived, however, to soften their effect by omitting the parts in Phillipps's speech to which they referred, and, this being discovered, he lost his position on the "Times."

My father, from whom I heard the story, knew the poor fellow, who never afterwards rallied, and died, I fear, in great poverty. Phillipps himself kissed the rod that had chastised him and became a constant associate of Lord Brougham, who, when Chancellor, made him Commissioner of Bankruptcy at Liverpool, an office for which he was singularly unfitted. Subsequently he was appointed to be one of the judges of the old Insolvent Court, which required a good knowledge of figures, about which he knew nothing; and his colleague, who knew little more, was a gentleman notoriously more insolvent than most of the suitors who sought relief at his hands.

## CHAPTER VII.

### THE TRIAL OF COURVOISIER.

**S**HORTLY before Mr. Phillipps left the bar his name became associated with the Courvoisier trial, which for many reasons interested me, and some of the circumstances of which may, I think, equally interest my readers.

On April 6, 1840, Lord William Russell was found murdered at his house, No. 14 Park Lane. London was in a state of excitement. The age of the nobleman, his great historic name and position in society, all combined to aggravate the horror naturally excited by such an event. The circumstances clearly pointed to domestic treachery; and Courvoisier, his confidential valet, was apprehended, and, on June 18 following, was put upon his trial, charged with the murder: The occasion might, from the appearance the Old Bailey presented, have been thought one of the most festive character. The court was crowded with ladies dressed up to the eyes, and furnished with lorgnettes, fans, and bouquets; the sheriffs and under-sheriffs, excited and perspiring, were rushing here and there, offering them what they deemed to be delicate atten-

tions. A royal duke honored the exhibition with his presence, and, upon the occasion of a witness giving a particular answer to a question from counsel, showed his approval by an ejaculation of "Hear, hear."

Sir Nicholas Tindal, the presiding judge, was so hemmed in by the extensive draperies of the surrounding ladies that he had scarcely room to move, and looked disgusted at the indecency of the spectacle; and I may here say that the scenes still occasionally presented upon celebrated trials at the Old Bailey do little credit to the officials who encourage them. Mr. Baron Parke, to whom I shall hereafter allude, was associated with the Chief Justice upon the trial. Mr. Adolphus led for the prosecution, and in opening it made allusions, scarcely in good taste, to the fact of the accused being a foreigner, giving Mr. Phillipps, who defended him, an opportunity for a display of eloquent protest. The trial lasted for three days; and the proceedings upon the first two were scarcely conclusive enough to have secured the conviction. Upon the third day, when I came into the robing room in the morning, I found Mr. Phillipps there, evidently very much agitated. I learned afterwards that some new evidence of an important character had come to the knowledge of the prosecution and been communicated to him.

A considerable quantity of plate had disappeared from Lord William's house, and it was discovered that immediately after the murder it had been deposited by Courvoisier with some people in the neighborhood of Leicester Square. This circumstance had been disclosed on the previous evening. Courvoisier,

to whom it was made known, requested an interview with his counsel, which was very properly accorded, and upon this occasion he admitted the correctness of the statement as to the discovery.

He did not, as was generally supposed and asserted at the time, avow that he had committed the murder, although doubtless what he did own was very stringent evidence of the fact; and the communication was certainly made, not for the purpose of admitting his guilt, but merely to prepare his counsel to deal with the evidence.

The course pursued by Mr. Phillipps showed the inherent weakness of his character. It was peculiarly a situation for self-reliance and sound judgment. He was bound to continue the defense; although no doubt his mode of conducting it could not but be materially affected by the new circumstances. Mr. Phillipps, however, adopted a line that was wholly inexcusable. He sought an interview with Mr. Baron Parke—who, it must be remembered, although not the presiding judge, was assisting at the trial—communicated to him the confession of his client, and asked his advice. This conduct placed the judge in a most painful position, and was grievously unjust to the accused. It is probable that if Baron Parke had not been taken by surprise, he would have declined to express any opinion. I happen, however, to know that, having learned that the prisoner did not intend to relieve his counsel from the defense, the learned baron said that of course he must go on with it. And, if he gave any advice at all, this was the only advice he could give, and ought to have been patent to the

inquirer; and certainly no censure can be too severe upon the conduct of Phillipps, who, when assailed for his management of the case, violated the confidence that his interview with Baron Parke demanded, and endeavored to excuse himself by saying he had acted under that learned judge's advice.

I heard Phillipps's speech: it was extremely eloquent. He made the most of some indiscretions in his opponent's opening, but he was overweighted by the facts; and certainly, since I have been at the bar, juries have not shown themselves apt to be carried away by flowers of rhetoric. Many of those used by him in this speech were not only in bad taste, whatever might have been the circumstances, but upon this occasion they were utterly unjustifiable. I have refreshed my memory of some of them from a most useful and admirably arranged work of a Mr. Irving, called "Annals of our Time," and from his work I extract the following specimens: "Supposing him to be guilty of the murder, which is known to Almighty God alone"; "I hope for the sake of his eternal soul that he is innocent." Such expressions from the mouth of an advocate possessing the knowledge that Phillipps did at the time he used them, were not only offensive to good taste, but scarcely escaped conveying a positive falsehood.

It is of the essence of advocacy that counsel should under no circumstances convey his own belief, or use expressions calculated to do so, and the only excuse that I can find for Phillipps is from the knowledge that he always composed his important speeches before he delivered them, and that up to the morning of the

last day he believed that Courvoisier was innocent. But whilst this may redeem him from the imputation of conveying a falsehood, it does not excuse the language in which he indulged.

There is not, I think, any ground for saying that he endeavored to fix guilt by unworthy means, upon a servant girl. It may be said that in every case where it is acknowledged that an offense has been committed the defense of the client must be founded upon the assumption that some one else is guilty ; but, excepting those expressions to which I have alluded, and which do not point to any one in particular, I cannot recall anything that went beyond the bounds of legitimate advocacy ; and I am sure that, whatever his faults of taste and judgment, he would not have been capable of so grave a crime.

He felt very bitterly the comments made upon him by the press. I think they went beyond what his conduct deserved, but, as I have been obliged to admit, he certainly laid himself open to very grave censure. I suppose few counsel have defended more accused persons than myself, and I must allow that innocence was not the characteristic feature of the majority of my clients ; but I cannot remember any case in which I received an unqualified admission of guilt. The utmost that approached to it was a mild suggestion that if the evidence was too strong for me to obtain an acquittal, it was hoped that I would save my client from transportation.

I think that it may not be unserviceable at the existing time to make a few observations upon this subject. I am greatly struck by many of the features

that now present themselves in connection with crime. I think they are very formidable, more so than ever I remember them, and unless they are checked, point to an appalling future. There seems to me to be more abstract brutality amongst the criminal classes, and more recklessness of human life, and certainly, the contingencies to which the police are subjected whilst executing their functions are extremely frightful. The question, therefore, must come to the front whether our present punishments are the most efficacious that can be applied.

When transportation was in force it created much dread to the criminals. There was a mystery attendant upon it, and a sense of final separation from every home tie. It operated also most strongly upon their friends and accomplices, thus creating, what is most to be desired, an efficient example to others. Now their friends know where they are, and in the miserable holes in which they themselves grovel, in cold, starvation, and wretchedness, they are apt almost to envy the food and warmth of a prison. There is also another point to be considered, if I am right in the view that I have formed. There are classes of criminals that can never be reformed whilst they are allowed to remain in this country, and yet their offenses may not justify imprisonment for life. Practically, a gaol educates them for graver ones. These include thieves from their birth, but who carry on their trade without resorting to violence. In another country they might find an opening for redemption; in this, none. There may be political grounds which make it impossible to revert to the system of transportation. With these

I am not capable of dealing ; but my experience may be trusted for knowing that next to death it inflicted the greatest terror, and to those capable and desirous of repentance the only chance of reformation.

The crimes, however, that are now creating a feeling allied to terror in the public mind, are those which subject our fellow-creatures to death or cruel injury, and the question requires very grave consideration and a freedom from morbid sentimentality. The punishment of death is still continued, and is thought to be sufficient to intimidate brutal offenders, and of one thing I have no doubt, that there is no example of a criminal under a capital sentence, who would not with joy exchange the penalty for any other form of punishment known to our law. Why, if it be inflicted and is supposed to be thus efficacious in any case, should it be applied to a result and not to the intention ? Why should a villain, armed with a revolver, maim a man for life whilst in the performance of his duty and escape the gallows ? I think that the police ought to be told that they shall be furnished at least with every protection possible. There were many conscientious and kindly-hearted people who objected to the lash being used ; but surely if a deliberate war is waged by crime, and carried on by reckless violence and brutality against society, the most efficacious means ought to be used to defeat it. I am quite aware that any punishment that shocks the bulk of thinking and observant people could not be established ; but humanitarianism may be carried too far, and we have arrived at a crisis when order must assert itself in language which will produce a deterrent effect upon criminals.

Whilst upon the subject of scoundrels and their doings, it will not be amiss to mention two who, amongst a crowd of smaller ones, flourished about the time of the Courvoisier trial. The cut-throats and garoters who at different periods have infested the metropolis were not greater pests than the proprietors of two newspapers called the “Age” and the “Satirist.” The weapons with which they effected their robberies were slander and threats. They hunted out the secrets of families, and lived upon the fears of those to whom they appertained, and for some time these miscreants drove a thriving trade. Their names were, I believe, Westmacott and Barnard Gregory. I witnessed the former in the dress-circle of Covent Garden Theatre howling under the horsewhip of Mr. Charles Kemble, whose daughter he had foully slandered, and I had the satisfaction of convicting the latter at the Old Bailey.

A volume might be filled with a record of their villainies, and of the desolation that followed upon their trail. Let us hope that, like the murders committed by professional duelists, they are the filthy emanations of a by-gone age, and are buried in the infamy generated by their existence.

## CHAPTER VIII.

### THE CENTRAL COURT.

WILLIAM CLARKSON enjoyed a large business at the Central Court. He was not without ability of a certain kind, which was greatly assisted by his connection by marriage with a respectable firm of solicitors. Loud-voiced and swaggering, with one undeviating form of cross-examination, whatever might be the position or character of the witness, and that the very reverse of gentle or refined, he did much to maintain the opprobrium attaching to those who practiced at the court. He was by no means considerate to his juniors, but succumbed at once to those capable of resistance. My recollection does not furnish me with any circumstances in his career, professionally or privately, that I can record to his advantage.

William Henry Bodkin was a man of a different type, and, in my opinion, if his education had been equal to his natural ability, he would have attained a very high position. He was acute and clear-headed, and, as I have already mentioned, he was very successful in the civil business of the Middlesex Sessions. He was a pleasant companion and extremely popular,

and there were many, including myself, who received from him substantial marks of kindness.

When Mr. Phillipps obtained the appointment which I have recorded in the last chapter, I acquired a considerable accession of business, which, however, greatly diminished upon the advent of Mr. Charles Wilkins, a man who had already attained a high position at sessions in the North of England. He was at once patronized by the solicitors practicing in the court, and the qualities he possessed were calculated to create early impressions in his favor. An imposing person and a deep sonorous voice controlled the audience. He was a fluent speaker, and arranged the matter he had to deal with very clearly. His experiences in many walks of life<sup>1</sup> must have furnished him with extensive knowledge of human nature; his mind, however, was incapable of grasping the niceties of law, and he possessed no readiness in dealing with any matter suddenly started. A successful repartee threw him upon his back, and ridicule drove him frantic. He greatly diminished my business when first he came, but I fancy after a time I discovered his weak points, and I do not think he maintained the reputation he had gained when he first joined the sessions. He afterwards changed the scene of his labors by taking the coif, and in a certain class of civil business again, for a certain time, obtained considerable success. Whilst practicing at the Central Court he defended a solicitor, named Barber, in a very celebrated trial, of which I propose hereafter to give some account.

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<sup>1</sup> There were many stories told of the vicissitudes of his life which I have

Subsequently to his departure I shared the lead with Mr. Parry, a man of great knowledge, power, and ability, until both of us quitted the field and followed Mr. Wilkins's example by taking the degree of the coif. We were often subsequently brought in special to the Central Court, and probably even upon this stage did not lose much by our promotion.

Before concluding my recollections of the Court, I ought to mention two firms of solicitors who divided between them much of the defense business. Mr. Harmer, an alderman of the City of London, was at the head of one of them, and carried on business in Hatton Garden. His appearance indicated good living and good nature; he was gifted with great shrewdness, and possessed, amongst the classes whose natural destination was the Old Bailey, an immense reputation, and a most profound confidence was reposed in him by a large body of clients, none of whom had reason to regret their trust. He was rejected as Lord Mayor upon the ground of certain opinions, now to be found in many respectable journals, that were ventilated in the "Dispatch" newspaper, of which he was proprietor. He realized a good fortune, and built a villa on the bank of the Thames; which he christened Ingress Abbey, but which his friends called Newgate, where he entertained with great hospitality.

The other firm to which I allude was that of Messrs. Lewis and Lewis of Ely Place, the senior partner of whom, of small stature and quiet manner, with features characteristic of shrewdness and a kindly nature, might often have been seen unpretendingly making

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no means of verifying. He was at one time certainly in the medical profession, and at another an actor in the provinces.

his way to the barristers' table. His movements were watched with anxiety and hope as he quietly walked about and slipped a brief into the hands of a pleased recipient. His firm possessed a large business, which he principally had built up by means in all respects honorable to himself. There were two other solicitors of high standing and character who did a large business, Mr. Humphreys and Mr. Wontner, but they more usually appeared on the part of the prosecutions.

What was called the Rope-walk was represented by a set of agents clean neither in character nor person, and I fear that the guinea eagerly sought by counsel in his early days told a sad tale of misery and self-denial endured by those who, as too often is the case, had to suffer for the sins of their relatives.

During my experience I have rarely known a thoroughly innocent person convicted, although there are certain charges scarcely sustained by strict evidence, but which carry with them a moral conclusion and in which juries are apt to reject law and yield to prejudice; but little evil arises from such results, and substantial justice is obtained.

I must, however, except one class of cases in which I have seen very grave errors committed by juries, and I fear that many innocent people have suffered. I allude to charges preferred by women against the opposite sex. Juries in many of these instances seem to bid adieu to common sense. The tears of a good-looking girl efface arguments of counsel and the suggestions of reason. However absurd and incredible the story told may be, a fainting fit at an appropriate time removes from their minds all its improbabilities.

I have often wished that such charges might be disposed of by a jury of matrons. In cases that might fairly be the subject of an action before a civil tribunal the juries take up a high moral tone, and think themselves justified in inflicting the punishment awarded to one of the highest of crimes. I could record many instances in which, I believe, there has been a lamentably wrong conclusion arrived at against the person charged. In one case that I was engaged in, and in which the jury would scarcely listen to me, they were persuaded by the earnest exhortations of the judge to acquit the prisoner, but they appended to their finding the hope that his lordship would see that he was severely punished.

I remember a fashionable *perruquier* being tried many years ago at the Central Court for an outrage upon a young person in his employment. I cannot give the details of the story, which carried to my mind falsehood upon the face of it, but being plausibly told by a weeping complainant of prepossessing appearance, the hearts of the jury were moved, and their common sense was washed out. He was convicted and sentenced to a long term of transportation, which was, however, subsequently remitted.

A good story, for the truth of which I should, however, be sorry to vouch, is told, that the wife of the Governor of New South Wales, happening to be in England, implored the Home Secretary to carry out the sentence, as there was not a decent hairdresser in the colony.

It is well known that the Old Bailey, rechristened the Central Criminal Court when its jurisdiction was enlarged, was of civic origin, and still retains its orig-

inal character. The aldermen, although they act by deputy, are judges, the Lord Mayor being the nominal head. The sheriffs, represented by the under-sheriffs, appertain to it; and these latter perform their more painful functions through the medium of the executioner. The citizens of London and their representatives have, in the days when the liberties of the people were threatened, made many a gallant stand, and done good service, and for this deserve the gratitude of posterity; but now the Lord Mayor, his state coach, the aldermen, the men in armor, the sword-bearer, and the City marshal are tawdry and useless monuments of a past age. The magisterial functions are discharged by paid clerks, of whom the aldermen are merely the mouthpieces, and might just as well be represented by their chains and robes. The mode by which officers called upon to perform high judicial duties are elected is a scandal to the age. The great merchants shrink from all connection with the corporation; and the definition of a good chief magistrate is one who has been most profuse in his hospitalities.

I should be very ungrateful if, in recording my opinion of the aldermen in their public capacity, I were not to acknowledge the number of most estimable, kindly, and excellent men who have at all times belonged to their body, and, during the early period of my practice at the Central Court, I and other members of the bar had to thank them for very liberal and unpretentious hospitality. My comments apply solely to their position in relation to the administration of justice, which I regard as mischievous and absurd.

There was one alderman of whom I have a very

distinct recollection : this was Sir Peter Laurie. He was a great friend of my father : he was a shrewd and far-seeing Scotchman, quaint and conceited, but with plenty of sound good sense and an honorable character. I mention him, however, not so much on his own account as to introduce to my readers one of the most original rogues of the time, and the mode in which, upon one occasion, Sir Peter dealt with him. Joseph Adie was his name, and amongst other modes of raising money he hit upon one of circulating letters to numerous people, professing that he had obtained knowledge which would be most beneficial to them, and by these means for a time he drove a thriving trade.

He was brought up before Sir Peter, who, finding that he had committed no punishable offense, was obliged to discharge him ; but in doing so the worthy alderman said, by way of reprimand : " Now, Joseph, if any one wants to know your character, refer him to me." Adie, in all his future letters, headed them, " Referred, by permission, to Sir Peter Laurie." Ultimately Mr. Adie fell a victim to a suit by the post-office authorities for the price of stamps he had omitted to pay, and in default was sent to gaol. Whether he has since flowered in some other shape I know not ; if so, probably he has also thought it convenient to appear in some other name.

As a wayfarer passed in the neighborhood of the Mansion House about the period I have been more particularly recording, he might frequently have seen two neatly dressed personages, somewhat past middle age. They bore a great likeness to one another, although one affected juvenility in a brown wig, the other wear-

ing his own perfectly white hair. Each presented a rosy-faced countenance, and a mild benevolence seemed to beam upon it; they might have been the brothers Cheeryble. They were the brothers Forester, the celebrated City officers; their hands were never profaned by touching vulgar thieves, and those whom they did touch usually terminated a career of great crime upon the gallows.

Notwithstanding their occupations, they were really as kindly as they looked. In many a heart-rending scene they had, as far as their duty would allow them, given solace to the afflicted. And their evidence in court was always truthful and unexaggerated. I have had many a gossip with both of them, and heard some painful episodes of criminal life.

The institution of the new police probably superseded their employment. Their cheery faces are no more seen, probably no longer exist. I have no doubt, if living, they are provided for by the generosity of the corporation, never wanting towards those who have served them conscientiously.

It is only right, while mentioning the celebrities connected with the Old Bailey, that I should allude to one other personage. Rarely met with upon festive occasions, he was, nevertheless, accustomed to present himself after dinner on the last day of the sessions. He was a decently dressed, quiet-looking man. Upon his appearance he was presented with a glass of wine. This he drank to the health of his patrons, and expressed with becoming modesty his gratitude for past favors, and his hopes for favors to come. He was Mr. Calcraft, the hangman.<sup>1</sup>

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<sup>1</sup> This occurred in a past generation.